

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
March 17, 2004**

The Board of Supervisors of Maricopa County, Arizona, convened at 9:00 a.m., March 17, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1, Don Stapley, District 2; Max W. Wilson, District 4; and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator, David Smith, County Administrative Officer, and Paul Golab, Deputy County Attorney.

**INVOCATION**

Joy Rich, Chief Regional Development Services Officer, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Corrine Valesquez, Acting Director of the Homeless Healthcare Program, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Kit Jenkins introduced "Jack or Chiquito" a three year old male terrier mix, neutered and housebroken, as the "Pet of the Month" from Maricopa County Animal Care & Control. He will be available for adoption at 1:00 p.m.

**CODE ENFORCEMENT REVIEW – CARA STEELE - CONTINUED**

This is the time scheduled for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00440, Cara Steele. (ADM3417-023)

Joy Rich, Chief Regional Development Services Officer, said that in May 2002 a neighbor of Ms. Steele's had complained of encroachments into the setback from a building or extension of the home constructed there without a building permit. In May 2002 Ms. Steele was notified of a potential violation and on May 17 an inspector visited the property and confirmed the charge. Ms. Steele was given until June 20, 2002, to bring the property into compliance. Ms. Steele made appointments for several meetings but did not attend any of them. She did not appear for the Hearing Officer's hearing on January 13, 2004. Ms. Rich said there had been no movement toward compliance and no application had been made for a variance.

Ms. Steele said she had been advised by someone in the Planning Department to wait until a lawsuit involving complaints against her neighbor was resolved before she responded. She explained they had been involved in adopting a baby at the time of the hearing and indicated that she had come today because she wished to cooperate in correcting this problem.

Discussion ensued on Ms. Steele's unresponsiveness and the advisability of allowing additional time for the variance application. Several Supervisors were immediately ready to uphold the Hearing Officer's ruling because of the total lack of response or movement towards compliance by Ms. Steele during the past two years. Joy Rich said staff would be willing to work with Ms. Steele if the Board would consider allowing her 30 additional days to apply for a variance. If she does this then additional continuances to comply could be given to allow due process on the variance application.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

Chairman Kunasek said there were questions on whether the extensions were done by Ms. Steele or if they had been done by a previous occupant prior to her purchase. He asked that this question be resolved prior to further action.

Supervisor Brock told Ms. Steele that the County had "bent over backwards for you three times and been ignored." He said if she was allowed 30 additional days it would mean a fourth time and asked if she could comply if given another chance. She agreed to do whatever was necessary for compliance.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this matter to the April 21, 2004, meeting to give Ms. Steele time to either apply for a variance or to tear down the portion of the building in the setback.

**PUBLIC HEARING – ENVIRONMENTAL SERVICES - CONTINUED**

The Chairman called for a public hearing, pursuant to ARS §49-479(b), to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 310 (Fugitive Dust), Appendix C, and Appendix F and on submitting the rules as revisions to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to the Maricopa County Air Pollution Control Regulations, Rule 310, Appendix C and F, and to submit the rules as revisions to the (Arizona) State Implementation Plan. (C88040317) (ADM2354)

Those registering an opinion or requesting to speak included Spencer Kamps, Home Builders Assn. Of Central Arizona, Corinda Q. Lozano, Amanda McGennis, AZ. Chapter of Associated General Contractors, Russell Bowers, Arizona Rock Products Association, John Bonnie and Duane Gilliland.

Al Brown, Director of Environmental Services, said this request addresses another revision to the Fugitive Dust Rules (Rule 310), which is necessary because the County still does not meet national standards for particulates in the greater Metro area. Health impacts from high particulates are well documented and he mentioned that Maricopa County is the third highest in the country for asthma and that the number of Valley Fever cases are increasing. He informed the Board that not meeting the standards of the Clean Air Act could have an economic impact on tourism and could result in a loss of highway funds. Mobile sources (trucks/heavy equipment) are the greatest factor in causing dust with construction related dust as the No. two source. The EPA found deficiencies in Rule 310 and asked that these be fixed. New testing methods have since been devised and he outlined some of the rule changes that have been made.

Supervisor Wilson voiced concerns about the use of water to control dust on construction sites and asked about the economic feasibility of using oil instead since it is used as a control agent on some roads.

Mr. Brown said that the southwestern desert is in one of the worst droughts ever and agreed that the conservation of water is a primary concern. He said that the rule does provide for options on water use, such as dust suppressants, which are mixed with water. These use less water and allow a less frequent application.

Russell (Rusty) Bowers, representing Arizona Rock Products Association, said their plants typically use 3 million gallons of water in dust suppression per plant each year. This control is demanded by the constant use of trucks on their roadways. He said the alternative suppressants are not effective with constant traffic. He expressed appreciation for the hard work that has gone into the newest draft of changes and said many of their concerns were addressed. He added that there were two main areas where his industry would like to see additional work done to enhance the revision. One stems from the supposition that the

**FORMAL SESSION  
March 17, 2004**

owner/operator of the jobsite is the “puppeteer” responsible for keeping all the contractors and subcontractors in line with all dust control requirements. Similarly, the owners used to be held responsible for code requirements and inspections and to show proficiency and knowledge in order to secure a license and keep it. His company feels that owners should cooperate with the County in developing manuals and seminars to train developers and subcontractors in fugitive dust regulations, and then hold them responsible. “We would like to see some type of developed, structured training and certification in combination with our different Associations as a way of keeping our people in line.”

The second issue was related to the requirement to cover with plastic some of the stockpiling operations that are specific to the sand and gravel industry. He said, “Dirt makes aggregate worth less and ultimately worthless.” There are different nuances in construction use depending on the dirt content and he explained that there’s a bottom line in the rock industry. The more dirt in the content of the aggregate product the less valuable that product is. That gets down to the chemistry of redi-mix and asphalt/concrete mixes. Dirt makes them weak so “we try to get as clean a product as possible to mix our products in.” He spoke of big, conically shaped stockpiles in the sand and gravel operation – 100 ft in diameter and 60-80 feet tall. He said, “Think of your Freeway projects – when they went sublevel – that stockpile was almost a 1000 feet long and over 100 ft. in height.” Because a stockpile is constantly being added to on top and removed from on the bottom. Regardless of the cost, just having to “put the tarps on and off, and on and off, would drive a plant operator crazy.” He added that this concern was for active and not inactive stockpiles. He said they would like to work with the County on silt content and activity rather than trying to cover all those piles in active operations.

Supervisor Stapley asked what the solution was for the large stockpiles of aggregate sand because sediments and silts are inevitable, especially in urban areas with residential homes nearby. He said that in a wind storm the sand and dust would fly and become a very serious particulate problem.

Mr. Bowers said it is the dirt content in the pile that is the problem in a windstorm and they would like to have the language in the rule address it from that standpoint.

Amanda McGennis, appeared representing the Arizona Chapter Associated General Contractors (AGC), an association that has represented heavy highway contractors since 1934 and employs more than 30,000 workers statewide. She said, “We believe that the Maricopa County Environmental Services Department responded to industry’s concerns and addressed our issues using the EPA framework required of them. This does not mean that we agree to the revisions that were made from draft #5 to the current rule submitted today.” She cited specific areas in different sections of the revision with which the contractors disagree. She said, “We understand the challenges that you have to meet EPA’s criteria and how you have to apply this to the reality of the construction activities.” She said the AGC and their partners will consider the concerns raised today and asked that they be included in the revision to the rule prior to final Board approval.

Chairman Kunasek asked Ms. McGennis if she had any suggestions on the opacity standards that would be an improvement over the way it was changed.

She apologized and said they do not have anything to recommend as the industry had not gone to any problem sites to try to work with some of the County people on that issue. She added that opacity was subject to change from many different things. She believed the rule needs still further refinement. She suggested that a test group of industry personnel – not just regulatory personnel – might be able to work something out.

**FORMAL SESSION  
March 17, 2004**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this matter to the April 7, 2004, meeting for further study and negotiation.

**POINT OF PERSONAL PRIVILEGE**

Supervisor Wilson asked to present the leader and members of Girl Scout Troop 210 who were present at the meeting to learn about government. Supervisor Wilson introduced Troop Leaders Laura Bierl and Shannon Smith and scouts, Tiffany Fronsman, Amanda May, Amber May, Sarah Smith and Joy Hallett. Ms. Bierl and Ms. Smith are daughters of Supervisor Wilson.

**CHAIRMAN'S PRIVILEGE**

Chairman Kunasek said he would go out of order to take agenda item #11 next, as follows.

**ESTABLISHMENT OF NEW VOTING PRECINCTS AND NEW PRECINCT BOUNDARY LINES**

Item: Approve the following actions:

- 1) Approve conditional establishment of new voting precincts and new precinct boundary lines which are necessary to implement state legislative lines adopted in March 2004 by the Arizona Independent Redistricting Commission (IRC), all as shown on the maps on file with the clerk of the board of supervisors and accompanying legal descriptions, incorporated herein by reference. This action by the board of supervisors shall become effective for the 2004 elections only if the March 2004 IRC legislative district lines are precleared by the U. S. Department of Justice and are used for the 2004 state legislative elections, and only if the county voting precinct changes described herein are precleared. (ADM1706)
- 2) Direct that the County Recorder/Director of Elections shall accept the:
  - a) nomination paper of any candidate for the office of precinct committeeman who is otherwise in compliance with applicable law, and
  - b) signatures of qualified electors who otherwise meet the statutory requirements for signing nomination petitions as set out in the Arizona Revised Statutes, §§16-314, 16-315, 16-321, 16-322, 16-822, on any nomination petition for a candidate to the office of precinct committeeman; if such candidate and signers, respectively, are qualified electors of a voting precinct in which the candidate resides at the time of filing as reflected by voting precinct boundaries adopted by the Board of Supervisors as of October 22, 2003, and/or any subsequent voting precinct boundaries precleared by the Department of Justice or implemented/precleared by a federal court for use in the 2004 elections. (ADM1706)
- 3) The County Recorder/Director of Elections is authorized to calculate the nomination petition signature requirements based on the March 1, 2004, voter registration figures for the voting precincts as designated by the County Board of Supervisors as of October 22, 2003, and/or by this action of the Board of Supervisors when it becomes effective, and/or by any subsequent precinct boundaries precleared/implemented by a federal court for use in the 2004 elections. The County Recorder/Director of Elections shall certify for the

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

ballot or pursuant to A.R.S. §16-822 any candidate who is qualified by law and who obtains the minimum number of valid signatures from within the voting precinct in which he or she resides at the time of filing as designated by the County board of supervisors as of October 22, 2003, and/or by this action of the board of supervisors when it becomes effective, and/or by any subsequent precinct boundaries precleared/implement by a federal court for use in the 2004 elections, whichever number of required signatures is fewer. (C21040147) (ADM1706)

Karen Osborne, Elections Director, referenced the new precinct maps on the walls that represent 28 changes to voting precincts that had to be made to implement the new Independent Redistricting Commission lines. She said that public comment had been small but it was all positive. There are now 1,063 voting precincts in Maricopa County, "We're larger than 18 states. We have 1,300,000 registered voters. Ms. Osborne said her favorite precinct is "Poco" a very tiny area located on the line between Supervisor Wilcox and Supervisor Kunasek. She said, "It's such a tiny little precinct...we were going to call it "Poquito" but it wouldn't fit on the map!" Chairman Kunasek asked, "Whatever happened to "dos" and she replied, "well, dos went away and it's now nada." Chairman Kunasek added, "There were two voters, I think, in dos."

Ms. Osborne said they are trying to get "ahead of the curve" and asked the Board to approve this and for a delayed implementation until the Department of Justice preclears the legislative lines. In response to a question from Supervisor Stapley Ms. Osborne responded that precinct committeemen petitions and the non-partisan petitions for those wishing to run for the new Hospital District are available now and they are holding a class for those who want to run for any position on how to handle their campaign finance, get their signatures, etc. The classes are held every month and she said additional information on this is on their website.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the voting precinct actions as given above.

**PUBLIC HEARING – DEANNEXATION FROM CITY OF PHOENIX, ANNEXATION TO CITY OF PEORIA**

A public hearing was held on ordinances filed by the City of Phoenix, Ordinance No. G-4562 and the City of Peoria, Ordinance No 04-01, concurrently deannexing and annexing certain territory more particularly described as a portion of a 55-foot wide parcel along the alignment of 67<sup>th</sup> Avenue between Dixileta Drive alignment and Dynamite Boulevard alignment, approximately 4.2538 acres, 0.0066 square miles. (ADM4212)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution deannexing certain territory from the City of Phoenix and annexing that same territory to the City of Peoria be approved.

**RESOLUTION**

**WHEREAS**, the City Council of the City of Phoenix, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. G-4562, deannexing from the City of Phoenix, the territory described as follows:

**FORMAL SESSION  
March 17, 2004**

That part of Section 25, Township 5 North, Range 1 East, G&SRB&M, described as follows:

BEGINNING at the Southeast corner of said Section 25; thence north 89°53'52" west along the south line of said Section 25 a distance of 55.00 feet to a point, designated herein as Point "A", in a line 55.00 feet west of and parallel with the east line of said Section 25, being also a point in the common city limit line of the City of Phoenix and the City of Peoria, Arizona, by their Ordinance No. G-4130, recorded in Document No. 98-920964, and Ordinance No. 77-47, recorded in Docket 12579, Page 1355, respectively, records of Maricopa County, Arizona;

Thence north 00°04'10" west along said parallel line, and along said common city limit line as established by said ordinances, to the westerly prolongation of the north line of G.L.O. Lot 4 in Section 30, Township 5 North, Range 2 East, G&SRB&M, being also a corner of the area annexed to said City of Phoenix by its Ordinance No. G-3640, recorded in Document No. 93-313864, records of said county;

Thence continuing north 00°04'10" west along said parallel line, and along the common city limit line as established by said Ordinance No. G-3640 and said Ordinance No. 77-47, to a point which bears north 00°04'10" west a distance of 2654.19 feet from said Point "A", being a point in the east-west mid-section line of said Section 25;

Thence north 00°03'59" west along a line 55.00 feet west of and parallel with the east line of said Section 25, and continuing along last said common city limit line, a distance of 866.33 feet to a point in a non-tangent curve concave to the northeast, having a radius of 1497.00 feet, the center of which bears north 83°18'26" east;

Thence southeasterly along the arc of said curve through a central angle of 10°19'11" and arc length of 269.63 feet to a point in the east line of said Section 25;

Thence south 00°03'59" east, along the east line of said Section 25, a distance of 602.73 feet to the east quarter corner of said Section 25;

Thence south 00°04'10" east, along the east line of said Section 25, a distance of 2654.36 feet to the Point of Beginning.

This area is described as a portion of a 55 foot wide parcel along the alignment of 67<sup>th</sup> Avenue between Dixileta Drive alignment and Dynamite Boulevard alignment; all in the County of Maricopa, State of Arizona, and that said territory is within the existing corporate limits of the City of Phoenix, and is to be annexed by the City of Peoria and that therefore, the Council of the City of Phoenix has the jurisdiction to deannex the above-described territory; said deannexation to be contingent upon fulfillment of the conditions set forth in ARS Section 9.471.02.

Area = 4.254 acres, M/L; 0.007 square miles M/L

**WHEREAS**, the Town Council of the City of Peoria, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 04-01, annexing to the City of Peoria, the territory described above; and

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**WHEREAS**, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

**WHEREAS**, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., March 17, 2004; and

**WHEREAS**, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

**WHEREAS**, no protests were filed,

**NOW, THEREFORE, BE IT RESOLVED** that the deannexation of that territory described above in the City of Phoenix and annexing said territory to the City of Peoria is hereby ordered; and

**BE IT FURTHER RESOLVED** that a copy of this order be filed with the Recorder's Office of Maricopa County.

**DATED** this 17<sup>th</sup> day of March 2004.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Kunasek called for a public hearing on liquor license applications. Supervisor Wilcox said that everything that prevented an earlier approval for application "a" have been resolved and all departments have now approved it. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

- a) Application filed by Carmen Erica Carranza for a Person-to-Person Transfer of a Series 7 Liquor License from Samir S. Yono, Agent, and a Transfer-of-Location: (This case continued from meeting of February 18, 2004.) (See report from Environmental Services recommending denial of application.) (LL6114)

Business Name: Lienso Tres Potrancas  
Location: 10153 West Southern Avenue, Tolleson  
Former Location: 7704 East Doubletree Ranch Road, Scottsdale

- b) Application filed by Fay Louise Stewart for Temporary Extensions of Premises/Patio Permits: (ADM664-001)

Business Name: Desert Rose  
Location: 18300 South Old U.S. 80, Arlington  
Dates: April 9, 10, 11, 17, 18, 24, and 25, 2004  
May 1, 2, 5, 8, 9, 15, 16, 22, 23, 24, 29, and 30, 2004  
June 6, 13, and 20, 2004  
July 4, 2004

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

**FORMAL SESSION  
March 17, 2004**

**ROAD DECLARED (ROAD FILE NO. A189)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C64041765)

**WHEREAS**, pursuant to A.R.S. §28-6702 through §28-6703, on the 18<sup>th</sup> day of February, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 50 feet, together with all appurtenances and easements of record, lying within the Southwest quarter of the Northwest quarter of Section Twenty-one (21), Township One (1) South, Range Four (4) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described in Docket 6448, page 785, Maricopa County Records, as follows:

BEGINNING for a tie at the Northwest corner of the Southwest One-quarter of the Northwest One-quarter of said section 21; thence South along the West line of Section 21, a distance of 370 feet to the TRUE POINT OF BEGINNING; thence N 89°48' E a distance of 1327 feet; thence South, a distance of 50 feet; thence S89°48"W a distance of 1327 to the West line of said Section 21; thence North, along said West line a distance of 50 feet to the TRUE POINT OF BEGINNING.

Easements and portions of easements of record lying within this alignment of said roadway are recorded in: Dkt 6448, Pg 785 and Bk 2 of Rd Maps, 15.

(Said roadway also known as Caroline Lane from 56<sup>th</sup> Street to end of maintenance in Supervisorial District No. 1.)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 17<sup>th</sup> day of March 2004.

**ROAD DECLARED (ROAD FILE NO. A216)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C64041755)

**WHEREAS**, pursuant to A.R.S. §28-6702 through §28-6703, on the 18<sup>th</sup> day of February, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

That a petition signed by ten (10) or more persons, residents and real property taxpayers of Maricopa County, Arizona, has been presented to the Board of Supervisors, praying for the establishment of a public road described as follows:

A 60 foot roadway known as 114<sup>th</sup> Street, together with all appurtenances and easements of record, lying within the Northeast quarter (NE4) of Section Twenty-five (25), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

114<sup>th</sup> Street, previously known as 230<sup>th</sup> Street, shown on "Desert Village", a subdivision of the Northeast quarter of the Northeast quarter (NE¼ NE¼), in said Section Twenty-five (25), recorded in Book 67 of Maps, page 14, Maricopa County Records, from Weir Avenue to Vine Avenue as shown on said subdivision; also,

The East 30 feet of the South half of the Southeast quarter of the Northwest quarter of the Northeast quarter (S2SE4NW4NE4) of said Section 25.

(Said alignment is also known as 114<sup>th</sup> Street from Weir Avenue to Vine Avenue in Supervisor District No. 2.)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 17<sup>th</sup> day of March 2004.

**ORDER ESTABLISHING ELLSWORTH WARD STREET LIGHTING IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Ellsworth Ward Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 17th day of March, 2004 at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows: (C64041910) (ADM4302)

A portion of lot two (2) Crismon Business Park according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, Book 551, Page 32, Parcel number 220-81-401B

And further declares that said district is now established under the name of Ellsworth Ward Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

Upon motion made and unanimously carried the foregoing order is declared adopted this 17<sup>th</sup> day of March 2004.

/s/ Andy Kunasek, Chairman of the Board

/s/ Fran McCarroll, Clerk of the Board

**AMENDMENT TO GRANT FROM GOVERNOR'S OFFICE OF COMMUNITY POLICY FOR THE STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve amendment of grant from the Governor's Office of Community Policy for the STOP Violence Against Women Grant Program (AD030003-006). This contract is extended from February 1, 2004, to January 31, 2005. The amount of the grant is increased by \$142,186; from \$189,582 (previously approved) to \$331,768. The required matching funds will increase by \$35,547; from \$77,675 to \$113,222. By approving this agenda item, the Board will be authorizing an increase in grant funding for FY 2003-2004 by \$6,488. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1903023301)

**AMEND BOARD ACTION REGARDING RECEIPT OF GRANT FUNDS FROM THE GOVERNOR'S OFFICE OF COMMUNITY POLICY FOR THE STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to amend the Board action of January 21, 2004, which approved receipt of grant funds from the Governor's Office of Community Policy for the STOP Violence Against Women Grant Program in the amount of \$50,000 by authorizing an increase in the County Attorney's grant fund of \$7,486 from \$42,514 to \$50,000 for FY 2003-2004. The original agenda item incorrectly stated that no budget adjustment was required. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1904022301)

**INCREASE TO THE FLEET OF THREE VEHICLES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an increase to the County Attorney's fleet of three vehicles for use by detectives authorized with funds approved in the Office of Management and Budget's Agenda C1904198 to handle requirements necessitated by changes to Rule 8 & 15 of the Criminal Rules of Procedure. (C19040238) (ADM3104)

**RENEWAL OF LEASE WITH CENTRAL ARIZONA WATER CONSERVATION DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve and execute renewal of Lease No. L7287 with Central Arizona Water Conservation District (CAWCD) for 3.3 acres with office and hanger space at 23636 North 7<sup>th</sup> Avenue in exchange for 150 hours of helicopter flight time to CAWCD. The term of the lease is from April 1, 2004, through April 1, 2009. The estimated value of the facility lease is \$54,000 per year. The estimated cost for the flight time is also valued at \$54,000 (\$360 per hour x 150) per year. (C5099108201)

**FORMAL SESSION  
March 17, 2004**

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH PEORIA POLICE DEPARTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve Amendment No. 1 to Intergovernmental Agreement between the Sheriff's Office and Peoria Police Department extending the term of the agreement through December 31, 2005. The original term of the reimbursement agreement for the Arizona Methamphetamine Program is July 1, 2002, through December 31, 2003. (C5003513201)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DIVISION OF EMERGENCY MANAGEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve Intergovernmental Agreement between the Sheriff's Office (MCSO) and the Arizona Division of Emergency Management, regarding the Metropolitan Medical Response System (MMRS). This agreement shall remain in effect for five-years from the date on which it is filed with the Secretary of State. This agreement allows expenses incurred as a result of and directly related to MCSO's response to a weapon of mass destruction event to be reimbursed. (C50040462)

**TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY REGARDING THE INMATE HEALTH CO-PAY FEE**

Per ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve the transfer of revenue and expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and Sheriff's Office (500) Inmate Health Services Fund (254). This action will require revenue and expenditure appropriation adjustments decreasing the FY 2003-2004 General Government Grants Fund (Department 470, Fund 249) by \$50,000 and increasing the FY 2003-2004 Sheriff's Office (500) Inmate Health Services Fund (Fund 254) by \$50,000. These adjustments will result in a countywide net impact of zero. Revenue collections in this fund are exceeding the budgeted level due to a recent increase in the Inmate Health Co-Pay fee. (C50040478) (ADM3900-003)

**ANNUAL RENEWAL OF VEHICLE REGISTRATIONS AND EXEMPTIONS FROM MARKINGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried, (5-0) to approve annual renewal of vehicle registrations and exemptions from markings for a fleet of RICO vehicles used for deep undercover investigations per ARS §38-538.03. Total number of vehicles not-to-exceed 50. (C5004048M) (ADM3101V)

**EXEMPT FROM MARKINGS OF EIGHTEEN VEHICLES**

Pursuant to ARS §38-538.03, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried, (5-0) to approve the exemption from markings including Maricopa County seals and government plates from eighteen vehicles. Agenda Item C1104003801, approved by the Board on January 7, 2004, approved the purchase of eighteen vehicles and the acceptance of these vehicles into the Maricopa County fleet. These vehicles will be used by Adult Probation officers on a full time basis for the supervision of convicted felons who reside in the community and are assigned to the Adult Intensive Probation program. Surveillance is more successful when it is undercover and not easily noticed by the offender, family, and friends. It is also safer for probation officers and the community when the officers and their vehicles are not easy to identify. (C1104006M) (ADM3101V)

**FORMAL SESSION  
March 17, 2004**

**AMENDMENT TO LEASE WITH MRM INVESTMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried, (5-0) to approve Amendment No. 2 to Lease No. L7133 with MRM Investments, successors in interest to Melvin & Marian Martin, for 7,076 square feet of court space located at 221 East Olympic Drive, Phoenix, Arizona. This amendment will extend the lease term commencing July 15, 2004, and expiring on June 30, 2006. Commencing August 1, 2004, the annual rent will increase to \$155,600.73, including 2.4% rental tax (\$21.47 per square foot per year). For an eleven-month period beginning August 1, 2005, and ending June 30, 2006, the rent will increase to \$146,627.77, including 2.4% rental tax (\$22.07 per square foot per year). This amendment will also provide the county the right for three one-year renewal options. This amendment contains a 180-day termination provision. (C2400002402)

**ADMINISTRATIVE TRANSFER OF RESPONSIBILITY FOR JUVENILE INMATE TREATMENT PROGRAM AND ADJUST THE FY 2004-2005 BASE BUDGETS FOR JUVENILE PROBATION AND CORRECTIONAL HEALTH SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried, (5-0) to approve the administrative transfer of the responsibility for the Juvenile Inmate Treatment program, including the Juvenile Outpatient Mental Health, and Sick Call Treatment and Appointment - Medical Activities, as defined in the Correctional Health Services Strategic Plan. Also, direct the Office of Management & Budget to adjust the FY 2004-2005 base budgets for Juvenile Probation and Correctional Health Services as per the above transfer. A Memorandum of Understanding has been signed by both departments detailing the services that will continue to be provided through Correctional Health Services and those that will be assumed by the Juvenile Probation Department. (C27040138) (ADM2131) (ADM1400)

**~Supervisor Brock left the meeting ~**

**FY 2003-2004 EXPENDITURE BUDGET TRANSFER REGARDING LEGAL DEFENDER'S PARENTAL DEPENDENCY REPRESENTATION ACTIVITY**

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried, (4-0-1) to authorize a FY 2003-2004 expenditure budget transfer from the General Government General Fund Reserved Contingency (100-470-4711) from the amount reserved for "Unfunded Liabilities" to the Office of the Legal Defender (540) General Fund (100) in the amount of \$306,929. The annualized impact for this request for FY 2004-2005 will be \$752,597. Said funding will be directed to the Office of the Legal Defender's Parental Dependency Representation Activity. (C54040028) (ADM520)

**EXPENDITURE BUDGET TRANSFER REGARDING HANDLING OF ADDITIONAL CAPITAL CASES BY LEGAL DEFENDER**

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried, (4-0-1) to authorize a FY 2003-2004 expenditure budget transfer from the General Government General Fund Reserved Contingency (100-470-4711) from the amount reserved from "Rule 8" to the Office of the Legal Defender (540) General Fund (100) in the amount of \$184,826. Approval of this action will allow the department to handle additional capital cases, thereby reducing the

**FORMAL SESSION  
March 17, 2004**

number of capital cases that must be assigned to the Office of Contract Counsel. The annualized impact for this request for FY 2004-2005 will be \$482,440. (C54040038) (ADM520)

**ADDITION TO COUNTY FLEET OF ONE CARGO VEHICLE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize expanding the county vehicle fleet with the purchase of one cargo vehicle at a cost of \$19,500. The funding to purchase this vehicle will be from the Public Defender's existing operating budget. Expenditures required to operate this vehicle will also come from the same funding. The cargo van being requested will be used for daily delivery runs of mail, furniture, and equipment, as well as for special deliveries as required. (C5204003M) (ADM3104)

**MANAGEMENT INCENTIVE PROGRAM PERFORMANCE PLAN FOR MICHAEL SCHAIBERGER, DIRECTOR OF INNOVATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Management Incentive Program Performance Plan for Michael Schaiberger, Director of Innovation, for the period October 1, 2003, through September 30, 2004, in compliance with the Board approved Management Incentive Policy (HR2421). (C35040290) (ADM3308-002)

**2004 MANAGEMENT INCENTIVE PROGRAM PERFORMANCE PLAN  
October 1, 2003 – September 30, 2004**

Michael Schaiberger, Director of Innovation, will receive an Incentive Compensation Package of \$9,900, payable annually upon his meeting the following goals for the rating period of October 1, 2003 through September 30, 2004.

**TOTAL COMPENSATION – EMPLOYEE HEALTH INITIATIVES**

1. Provide management oversight to ensure successful implementation and integration of Plan Year 2004 health insurance program with the following controls in place to:
  - a. Monitor vendor performance and adherence to contract and performance guarantees.
  - b. Measure long-term viability of benefit program and fiscal impact on Maricopa County.
  - c. Measure customer satisfaction of Maricopa County employees and their families.
  - d. Redefine the benefit program to be competitive with those offered by other large employers in Maricopa County for the purpose of increasing employee satisfaction and to contribute to the reduction in turnover.
2. Oversee the Employee Benefits Manager on re-engineering efforts within the benefit division to ensure compliance with Internal Audit responses, and in developing best practice procedures for benefits and financial administration of the programs.
3. Update and maintain the Cafeteria Plan Documents required by IRS Section 125. Oversee the Board of Supervisor approval process for such documents.

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
March 17, 2004**

4. Develop a comprehensive benefits communication plan, which will target specific health initiatives as well as educate and inform Maricopa County employees and their families. Work with Research and Reporting to measure effective distribution channels.
5. Develop key performance measures for the Employee Health Initiatives Operation.
6. Maintain and improve Employee Satisfaction within the Maricopa County Benefit Program as measured by the annual Benefit Satisfaction Survey.
7. Improve operating relationships, expectations and communications related to the health insurance program between the Benefits Operations and Chief Officers, Department Heads, Benefit Liaisons, Human Resource Liaisons, Employee Benefit Advisory Committee members and agency Public Information Officers.
8. Oversee the 2005 Health Insurance contract renewal, institutional communications and authorization by the Board of Supervisors
9. Continue to integrate Benefits and Compensation into one Total Compensation concept.
10. Monitor and evaluate the Retiree Health Insurance Benefits Program in light of legislative actions and overall county priorities.
11. Review and update the Strategic Plan for the Benefits Operation.
12. Improve Employee Satisfaction for employees working in the Benefits division.
13. Investigate and recommend IT solutions, which will enhance customer services, data integrity, and provide reliable informational reports for management usage.
14. Ensure that employee data is protected according to State and Federal laws.

**TOTAL COMPENSATION – COMPENSATION SERVICES (GAINSHARING & MARKET RANGE PROJECT)**

1. Facilitate the development and implementation of gainsharing programs within county departments.
2. Continue development and implementation of the Market Range concept.
3. Contribute to a compensation strategy and policy for 2004, if the County's fiscal situation improves and salary advancements are reinstated.
4. Implement appropriate audit compliance measures pursuant to the 2002 Internal Audit of Compensation policies and practices.
5. Contribute to a paid-time-off leave performance strategy and policy for 2004.
6. Improve employee satisfaction for working employees in the Compensation division.

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
March 17, 2004**

7. Review and update the Strategic Plan for Compensation

**COUNTY WIDE**

1. Serve as a member of the Managing For Results (MfR) corporate review team.
2. Serve as a member of the Human Resources/IT planning and review committee.
3. Continue to support the improvement of employee satisfaction within county government.
4. Continue to support the publication of the County Administration Newslines and the EBC Web site.
5. Continue to support the fund raising efforts of the Chairman of the Maricopa County employee's Combined Charitable Campaign (CCC).
6. Support diversity and equal opportunity employment practices throughout the organization.
7. Implement the 2004 Benefits Satisfaction Survey.
8. Support the county's legislative agenda and strategies where appropriate.
9. Support Director of Health Care Mandates in matters pertaining to healthcare, managed care, Medicaid, and other entitlement programs.
10. Ensure that employee data is protected according to State and Federal laws.
11. Investigate and recommend IT solutions, which will enhance customer services, data integrity, and provide reliable informational reports for management usage.
12. Ensure that employee data is protected according to State and Federal laws.

**~ Supervisor Brock returned to the meeting ~**

**REJECT CLAIM DEMANDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to reject claim demands (February 2004) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to ARS §11-629 (not a proper charge against the County) and ARS §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$176,297.62 and ARS §11-622 \$0.00) (C39040127) (ADM1804)



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**March 17, 2004**

**MONTHLY SUMMARY REPORT**  
**February 2004**

<b>Vendor</b>	<b>Amb., Doctors, Hosp. Ars 11-629</b>	<b>Over Six Months Ars 11-622</b>
Arizona Center For Chest	455.00	0.00
Banner Good Sam Trauma Service	2,120.00	0.00
Barrow Neurology Clinics	320.50	0.00
Biltmore Cardiology Pllc	951.00	0.00
Carol E Faid Md	525.00	0.00
City Of Phoenix Ambulance	588.27	0.00
Clinic For Digestive Deseases	86.27	0.00
Emmi, Pc	380.00	0.00
Hospitalists Of Arizona	564.00	0.00
Medpro	57,791.70	0.00
Phoenix Memorial Hospital	168.15	0.00
Physician Trauma Service	1,808.00	0.00
Rural Metro Ambulance	606.68	0.00
Southwest Ambulance	1,618.35	0.00
Southwest Neuro-Imaging	135.00	0.00
Spooner, C. E. Md	280.00	0.00
St Josephs Hosp Arizona	29,570.24	0.00
St Luke's Medical Center	78,329.46	0.00
<b>Grand Totals:</b>	<b>176,297.62</b>	<b>0.00</b>
Restitution	0.00	
<b>Total Denials: 176,297.62</b>		

**PERSONNEL AGENDA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibit A and B will be found at the end of this set of minutes.

**AMENDED FUNDING AND DEVELOPMENT AGREEMENT WITH DEL WEBB HOME CONSTRUCTION, INC.**

Item: Approve and execute an Amended Funding and Development Agreement between Del Webb Home Construction, Inc., an Arizona corporation and Maricopa County for the funding and development of the Buckeye Hills Shooting Range Complex in substantially the form presented, subject to approval of the final form of the agreement by County Counsel. (C3002033502)

Supervisor Wilcox said that with the growth being experienced in Maricopa County this change became necessary and she hoped that this location in Buckeye Hills would be one that would stay isolated and be able to provide not only a sheriff's range but in the future a public range. She thanked Del Webb for their help and monetary contributions, Bill Scalzo and the Parks Department and the Sheriff's Office for their many hours of work to bring this about.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute the above agreement.

**FORMAL SESSION  
March 17, 2004**

**FUND TRANSFERS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**PURCHASE AGREEMENT WITH CORAZON DE ORO COMMUNITY SERVICES**

Item: Declare as excess land and approve a Purchase Agreement with Corazon De Oro Community Services an Arizona non-profit organization for sale of approximately 14-acres of land and improvements for economic redevelopment purposes located at the northwest corner of Van Buren and 32nd Streets, Phoenix, Arizona, and authorize the Chairman of the Board to execute all documents necessary to complete the transaction. The Purchase Agreement will serve as escrow instructions and provides for a purchase price of \$2,500,000, with a \$30,000 earnest money deposit into escrow that is non-refundable after completion of the due diligence period. The Buyer may extend the due diligence period for 6-months by depositing into escrow an additional non-refundable \$100,000 that effectively increases the sale price to \$2,600,000. This sale to a qualified non-profit organization requires a unanimous vote by the Board of Supervisors. Proceeds from the sale will be deposited in Fund 422, Intergovernmental Capital Projects Fund, for future capital projects. (C1804031B) (ADM812)

Tom Manos was asked by Board members to comment on this matter and he said it asks the Board to declare this parcel as excess property and to execute a sales agreement with Corazon de Oro, a non-profit corporation. By statute, the Board had two alternatives in disposing of surplus property. They can hold an auction or sell the property to a non-profit entity on a unanimous vote of the Board. He said this had been under discussion for some time and all the conditions set by the Board have been agreed to and incorporated into the Purchase Agreement.

Supervisor Wilcox said that several entities had expressed interest in this parcel of land. However, the use planned by Corazon de Oro in their development of The Wilson Renaissance Project fits in well with the revitalization and renovation going on in the East Van Buren community and is welcomed and endorsed by the City of Phoenix. She added that when Corazon de Oro was able to meet the County's requirements on cost and terms, the County was pleased to agree with the City of Phoenix and successfully negotiate this agreement to a satisfactory conclusion.

Motion was made by Supervisor Wilcox and seconded by Supervisor Stapley to approve the Purchase Agreement as stated above.

Those registering to speak in favor of this purchase agreement included Augusta Knight, City Councilman Michael Johnson's office, Mercedes Robles, Wilson School District, Jim Chavez, President of Corazon de Oro, Monica Gonzales, Sunbeam Neighborhood Association, Mario Murillo, Juan Carlos Murillo, Josie Diaz, Deborah Vinette, Amalin L. Chavez, Lori Sneed and Pat Villela from the Wilson Community and Antonio Sanchez, Wilson School District.

Ms. Knight read a letter from Councilman Johnson endorsing this project, which is located in his district, and commended the proposed sale of these 14 acres to Corazon de Oro.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

Chairman Kunasek explained that this site formerly housed a woman's prison. He said that the Wilson Project will bring about a needed and desired improvement for the neighborhood.

Mercedes Robles and Jim Chavez thanked the Board for cooperating with their mission.

Motion carried unanimously (5-0) on a roll call vote with Supervisors Wilcox, Stapley, Wilson, Brock and Kunasek voting "aye" to declare the 14 acres as excess land and approve a Purchase Agreement with Corazon De Oro Community Services.

**LEASE AGREEMENT WITH HUMAN SERVICES CAMPUS, LLC**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Lease Agreement No. MC10144 with Human Services Campus, LLC, Lessee, for use of 7,687 square foot warehouse facility at 1214 West Madison, Phoenix, for One Dollar (\$1.00) per year. The lease term is for one year with provisions to "hold-over" for six months. Lessee shall be responsible for the payment of all expenses/fees appertaining to the use of the facility. It is understood that the Lessee accepts the premises in "as is" condition. This agreement contains a 90-day termination clause. (C18040274)

**ANNUAL ADJUSTMENT TO THE INMATE BOOKING AND HOUSING FEES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2004. The inmate booking fee will increase from \$99.36 to \$108.13 per inmate booked; the inmate housing fee will increase from \$45.84 to \$47.14 per day. (C18040298) (ADM3911)

**TRANSFER FROM APPROPRIATED FUND BALANCE AND EXPENDITURE APPROPRIATION ADJUSTMENT REGARDING ANNUALIZED MAINTENANCE COSTS OF 50 ADDITIONAL SOFTWARE LICENSES**

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the transfer of \$43,900 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) line item "Technology Projects" to line item "Finance: Info Advantage Carryover" in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812). Approval of this action will allow the Department of Finance to purchase an additional 50 user licenses of the County's current financial reporting tool, InfoAdvantage, during FY 2003-2004. In accordance with ARS §42-17106(b), approve an expenditure appropriation adjustment totaling \$4,000, increasing the Chief Information Officer's (Department 410, Fund 100) FY 2003-2004 Expenditure Appropriation, and decreasing General Government General Fund (Department 470, Fund 100) General Contingency (100-470-4711) to fund the FY 2003-2004 software maintenance costs for the additional licenses. Also, approve an increase to the Chief Information Officer's (Department 410, Fund 100) FY 2004-2005 budget target of \$12,000 to cover the annualized maintenance costs of these 50 additional software licenses. The countywide net impact of these adjustments is zero. (C18040308) (ADM1800)

**FORMAL SESSION  
March 17, 2004**

**SOLICITATION SERIALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items with the exception of 03264-S which was withdrawn. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award of Solicitation Serials:**

- |           |   |
|-----------|---|
| 03203-C   | BADGES, HOLDERS AND FASTENERS (\$165,000 est./three (3) years with three (3) one-year renewal options).<br>Pricing agreement for electronic access ID cards and supplies. <ul style="list-style-type: none"><li>• Authentic Data Solutions</li><li>• ID Plus, LLC</li></ul>   |
| 03211-RFP | FACILITIES MANAGEMENT STAFFING AND BENCHMARKING STUDY (\$200,000 est./ three (3) years with two (2) one-year renewal options)<br>Pricing agreement to perform a Facilities Management Department staffing, benchmarking and salary compensation study. <ul style="list-style-type: none"><li>• FM Solutions, Inc.</li><li>•</li></ul> |
| 03227-C   | SEQUENTIAL AIR SAMPLERS AND ASSOCIATED REPAIR PARTS (\$300,000 est./five (5) years)<br>Pricing agreement to purchase sequential air samplers and associated repair parts as requested by the Environmental Services Department. <ul style="list-style-type: none"><li>• Rupprecht &amp; Patashnick, Co., Inc.</li></ul>               |
| 03233-C   | CORRUGATED METAL PIPE (\$450,000 est./three (3) years with three (3) one-year renewal options)<br>Pricing agreement to purchase corrugated metal pipe as requested by McDOT. <ul style="list-style-type: none"><li>• Contech Construction Products</li></ul>  |

**WITHDRAWN**

- |                |  |
|----------------|--|
| <b>03264-S</b> | <b>PROPERTY TAX AND VALUATION STATEMENTS, PRINTING AND MAILING</b><br>(\$1,400,000 est./ three (3) years with three (3) one-year renewal options)<br>Pricing agreement to provide tax and valuation statement mailing and printing services as requested by the County Assessor's and Treasurer's Offices. <ul style="list-style-type: none"><li>• Cooperative Computer Services, Inc.</li></ul> |
|----------------|--|

The Clerk announced that this item was withdrawn pending the outcome of a protest.

**Contract Renewal(s):**

Renewal of the following Price Agreement(s): (Renewals are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**Until April 30, 2007**

- 02001-S      DEMOLITION, CLEARING, GRUBBING, REMOVAL/DISPOSAL NON-HAZARDOUS WASTE** (\$1,230,000.00 est/three (3) years)  
Pricing agreement renewal for demolition, clearing, grubbing, removal and disposal of non-hazardous waste to be used by Flood Control and McDOT Departments.  
ACR Contracting, Inc.  
BCS Enterprises, Inc.  
Boss Grading and Construction Cleanup, Inc.  
Breinholt Contracting, Co., Inc.  
Clauss Construction  
GENSPEC  
C & W Sons Enterprise  
Dickens Quality Demolition  
Phoenix Demolition & Salvage, Inc.  
Rainbow Company

**Until April 30, 2005**

- 02009-C      AGGREGATE MATERIALS** (\$650,000 est./one (1) year)  
Pricing agreement renewal for the purchase of aggregate materials for use by the McDOT and Flood Control Departments.  
  - ~~Buckeye Sand & Gravel~~ (Deleted as reported by the Clerk)
  - Hayward Corporation
  - Mesa Materials
  - Sun State Rock & Materials
  - Vulcan Materials-Western Division

**Increase in the contract amount for the following contract(s).** This request is due to an increased usage by County departments.

- 01062-X      OPTICAL SCAN VOTE TABULATION SYSTEM AND SERVICES (\$350,000 increase)**  
Increase price agreement value from \$830,000 to \$1,180,000. This \$350,000 increase will permit the purchase of an additional 100 Optech Eagle voting machines necessary to meet the increasing number of voting precincts. This agreement was initially approved by the Board as a sole source on May 2, 2001, in the amount of \$1,575,000, renewed on March 19, 2003, in the amount of \$900,000, and renewed for a second time on February 18, 2004, in the amount of \$830,000. In addition, correct the agreement expiration date as stated on the Board action of February 18, 2004, from February 28, 2005, to May 31, 2005 (Reference C21010041 and C2103008101).  
  - Election Systems & Software

**FORMAL SESSION  
March 17, 2004**

**03038-C**

**FUEL FOR ABOVEGROUND TANKS (\$50,000 increase)**

Increase price agreement value from \$140,000 to \$190,000. This \$50,000 increase is being requested by the Equipment Services Department to continue to purchase gasoline and diesel fuel for aboveground tanks. This price agreement was initially awarded by the Board on September 24, 2003, and had a \$20,000 increase approved on November 5, 2003. Price agreement expiration date is September 30, 2005.

- Brown Evans Distributing

**~ Supervisor Wilcox left the meeting ~**

**APPROPRIATION ADJUSTMENT TO ANIMAL CARE & CONTROL FIELD OPERATIONS FUND**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an appropriation adjustment to the Animal Care & Control Field Operations Fund (Department 790/Fund 574), to increase revenues and expenditure authority by \$235,980 due to the additional Intergovernmental Agreement (IGA) revenue from cities served by Animal Care & Control's Field Operations. IGA revenue is not local revenue for the purpose of the constitutional expenditure limitation and, therefore, expenditures of this fund are not prohibited and would not alter the budget constraining the expenditures of local revenues duly adopted by the Board. (C79040528) (ADM2300-003)

**TRANSFER AND EXPENDITURE REGARDING CORRECTIONAL HEALTH, NEW FACILITY START UP COSTS**

Per ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer and expenditure of \$2,341,360 from Appropriated Fund Balance (480) Detention Fund (Fund 255) New Facility Start Up (4811) to a new line in Appropriated Fund Balance (480) Detention Fund (Fund 255) Other Programs (4812) entitled "Correctional Health: New Facility Start Up Costs". Approval of this item will allow the Correctional Health Services Department to purchase those items that are necessary to begin operations at the new jail facilities. (C26040230) (ADM2131)

**INTERGOVERNMENTAL AGREEMENT WITH REGIONAL PUBLIC TRANSPORTATION AUTHORITY/VALLEY METRO**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley metro in the amount of \$400,000 for services to the Maricopa County Regional Travel Reduction program. Funding to support these activities is from a grant to Maricopa County from the Maricopa Association of Governments (MAG). The RPTA will carry out project work activities, issue requests for proposals and hire consultants as required, to perform related work activities. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not to exceed September 30, 2004. (C88040342)

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION**  
**March 17, 2004**

**SETTLEMENT OF MARICOPA vs. BRINKER INTERNATIONAL, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the proposed settlement of Maricopa vs. Brinker International, Inc. (\$3,500). Brinker International, Inc., was in violation of Maricopa County's Trip Reduction Ordinance. (Discussed in Executive Session on February 2, 2004.) (C88040367) (ADM2356)

**DONATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the receipt by the Human Services Department's Education Division (Head Start/Early Head Start programs) of a cash donation of \$500 from the Kiwanis Club of Ahwatukee. The donation is to be used to provide additional health services to children enrolled in the Head Start Program. (C2204112M) (ADM2500)

**GRANT CONTRACT WITH ARIZONA DEPARTMENT OF EDUCATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Grant Contract No. ED04-0052 with the Arizona Department of Education for HIV education services. The term of the agreement is retroactive to February 1, 2004, and shall remain in effect through July 31, 2005, for a grant dollar amount not-to-exceed \$30,000. Approve, upon award of the grant funds, an appropriation adjustment to Public Health Department Grant Fund (Department 860/Fund 532) of revenues and expenditures in the amount of the funds awarded by the Arizona Department of Education, not-to-exceed \$30,000. The appropriations adjustment is necessary because these funds were not included in the FY 2004 and FY 2005 budgets. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C86040602)

**SUBLETTING OF BUILDING AND TOWER SPACE AT BELL BUTTE TO SOUTHWEST AMBULANCE BY THE CITY OF TEMPE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve subletting of building and tower space at Bell Butte to Southwest Ambulance by City of Tempe. By Lease Agreement C91-03, the county leases Bell Butte to City of Tempe for use as a communications site. C91-03 stipulates that the city must have written consent from the county to sublet the premises. Such consent was granted by the county in 1993 (though never officially approved by the Board), and City of Tempe entered into a lease agreement with Southwest Ambulance for space in the city's facilities at Bell Butte. City of Tempe, having exercised its option to renew the 10-year lease of Bell Butte from the county, now desires to renew its lease agreement with Southwest Ambulance. Said lease agreement is coterminous with the IGA between the county and the city and subject to the same conditions. By this action, the Board consents to the sublet agreement between City of Tempe and Southwest Ambulance. (C76040082)

**FORMAL SESSION  
March 17, 2004**

**AGREEMENT WITH R/M (RURAL/METRO) MANAGEMENT CO., INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Agreement with R/M Management Co., Inc., ("Rural/Metro") for leasing of telecommunications facilities from Maricopa County. This document declares the intention of Maricopa County to lease, where feasible, building and tower space at county radio communications sites to Rural/Metro for purposes of providing two-way voice and data communications to its emergency response fleet. Included in this agreement are site-specific authorizations for the County's White Tank Mountain, Thompson Peak, and Southeast Regional Center sites. Future site-specific Supplemental Agreements will make reference and become supplements to this agreement. This agreement and all supplements are valid for coterminous one-year periods, with automatic renewal. (C76040092)

**~ Supervisor Wilcox returned to the meeting ~**

**PUBLIC NOTICE LEGAL ADVERTISEMENT AND AWARD OF CONSTRUCTION MANAGER-AT-RISK CONTRACT FOR LOWER BUCKEYE JAIL COMPLEX RENOVATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Public Notice legal advertisement and award of a Construction Manager-At-Risk construction contract for Lower Buckeye Jail Complex Renovations, Building No. 1961 – Project No. 2003423961, provided that the guaranteed maximum price is not more than 10% over the independent estimate. The project site is located at 3250 West Lower Buckeye Road, Phoenix. The project is within the budget. (C40040115)

**INTERGOVERNMENTAL AGREEMENT WITH VARIOUS ENTITIES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between the Maricopa County Department of Emergency Management (MCDEM) and the following three entities: (C15040622ZZ)

- Town of Cave Creek (C15040632)
- Town of Gilbert (C15040642)
- Town of Queen Creek (C15040652)

This IGA is required for all Municipal Corporations, Indian Nations/Tribes, and other Public Agencies participating in the US Department of Homeland Security (DHS), Office of Domestic Preparedness (ODP) reimbursement grant programs. This IGA shall be in effect for one year and shall automatically renew for one year periods effective from the date of execution until either party gives written notice of intent not to renew thirty-days prior to the end of the one-year period. There is no financial impact with this IGA.

**FY 2003-2004 MAJOR MAINTENANCE BUDGET DECREASES AND CALL FOR BIDS AND AWARD FOR FIRE ALARM UPGRADES AT SHERIFF SUBSTATIONS IN AVONDALE AND SURPRISE AND AT ADULT PROBATION ON GARFIELD**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following actions: (C70040718) (ADM800-003)



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

- a. FY 2003-2004 Major Maintenance Budget decreases in General Government, Fund 100, Agency 470, Org. 4732: \$79,000 from Code Compliance, Function Class RCCR, \$19,000 from Project No. 2001225394, Administration Building Infrastructure Improvements, Function Class ABII and \$16,000 from Project No. 2002320221, BOS Auditorium Building Infrastructure Improvement, Function Class BIIP. Increase General Government, Fund 100, Agency 470, Org. 4732, Major Maintenance, Annual Programs, Function Class AAWP by \$95,000 and Adult Probation Day Reporting Center Infrastructure Improvements, Project No. 2002320204, Function Class APDR by \$19,000.
- b. FY 2003-2004 Major Maintenance Budget decreases in Appropriated Fund Balance, Fund 100, Agency 480, Org. 4832: \$11,100 from Project No. 2002320165 West Court Building Infrastructure Improvements, Function Class WCII; \$50,000 from Project No. 2002320190 MCSO\Records Building Infrastructure Improvements, Function Class RBSO and \$400,000 from Project No. 2002320196, MCSO Warehouse Building Infrastructure Improvements, Function Class WBSO. Increase Appropriated Fund Balance, Fund 100, Agency 480, Org. 4832, Santa Fe Depot Building Improvements, Function Class DSBI by \$61,100 and create a new project, Administration Building Improvements in the amount of \$400,000, Function Class, ABII in Major Maintenance, General Fund (100) Appropriated Fund Balance (480), Org. (4832).
- c. FY 2003-2004 Major Maintenance Budget decreases in Detention Operations, Fund 255, Agency 472, Org. 4732: \$140,000 from Project No. 2002323147, Durango Juvenile Building Infrastructure Improvements, Function Class DDII and \$125,000 from Project No. 2002301672, Durango Juvenile Building Infrastructure Improvements, Function Class DDII. Increase Detention Operations, Fund 255, Agency 472, Org. 4732 Annual Programs, Function Class ADFM by \$210,000 and create a new project, Avondale Substation Building Improvements in the amount of \$55,000, Function Class, BSIS, in Major Maintenance, Detention Fund (255) General Government (472), Org. (4732).
- d. Adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsive bidder provided that the bid is not more than 10% over the engineer's estimate for "Fire Alarm Upgrades at Sheriff Substations in Avondale and Surprise, and fire alarm upgrades at Adult Probation on Garfield", Building No. 0309, located at 920 East Van Buren, Avondale, Function Class BSIS, Project No. 2001224899, Building No. 2021, located at 10363 West Bell Road, Surprise, Function Class SUSU, Project No. 2002320202 and Building No. 3817, located at 1022 East Garfield, Phoenix, Function Class APDR, Project No. 2002320204. These projects are funded in the FY 2003-2004 Major Maintenance Program.

**TRANSFER AND EXPENDITURE AUTHORITY AND INCREASE IN FY 2005 EXPENDITURE TARGET BUDGET**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following actions: (C70040728) (ADM800-003)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

- a. Per ARS §42-17106, approve the transfer and expenditure of \$33,582 from FY 2003-2004 General Government (470) General Fund (100) Reserved Contingency-Unfunded Liabilities (4711) to General Government (470) General Fund (100) Other Programs – State Property Acquisition Expenses (4712). These funds will be used to provide additional maintenance and security requirements for the properties to be transferred from the State of Arizona to the County of Maricopa. Approval of the funding will provide for limited services at the Black Canyon location from April 1, 2004, until April 30, 2004, and for limited services at the 32<sup>nd</sup> Street & Van Buren location from May 1, 2004, until June 30, 2004. Maricopa County will work with the existing utility, security and maintenance providers to provide these services and will issue purchase orders through Materials Management. In the event that new services are required or that the existing State of Arizona providers do not wish to continue services for Maricopa County at the same rate as was provided to the State of Arizona, Facilities Management will use existing county contract vendors or will obtain quotes for the necessary services to facilitate the completion of these services.
- b. Per ARS §42-17106, approve the transfer of expenditure authority in the amount \$30,611 from FY 2003-2004 General Government (470) General Fund (100) Reserved Contingency-Unfunded Liabilities (4711) to Facilities Management (700) General Fund (100) Contract Services (7021). These funds will be used to pay the May 2004 and June 2004, monthly contractual cost associated with the property management contract for the Black Canyon facility.
- c. \$183,664 increase in the FY 2005 Expenditure Target Budget for Facilities Management (700) General Fund (100) Contract Services (7021) for the annualized cost of the property management contract with Ryan Companies for the Black Canyon site.

**INCREASE IN FACILITIES MANAGEMENT GENERAL FUND BUDGET TARGET**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Office of Management and Budget (OMB) to increase the Facilities Management FY 2004-2005 General Fund (100) Agency (700) budget target by \$434,923, to cover the increased base level costs associated with facilities related maintenance contracts. (C70040738) (ADM800-003)

**EXPENDITURE APPROPRIATION ADJUSTMENT REGARDING OPERATION AND MAINTENANCE OF NEW ELECTIONS AND STAR CALL CENTER FACILITIES**

In accordance with ARS §,2-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following expenditure appropriation adjustment: reduce General Government General Fund General Contingency (100-470-4711) in the amount of \$52,121 and increase the Facilities Management Departmental (700) General fund (100) budget by the \$52,121. Approval of this action will allow the Facilities Management Department to operate and maintain the new Elections and Star Call Center facilities and authorize the Office of Management & Budget to increase the FY 2005 Facilities Management target expenditure budget by the annualized impact of this request, (\$196,476 less utilities), during the budget development process. (C70040748) (ADM800-003)

**FORMAL SESSION  
March 17, 2004**

**DESIGNATE PROTECTIVE SERVICES DIVISION VEHICLES AS AUTHORIZED EMERGENCY VEHICLES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to designate Maricopa County, Facilities Management, Protective Services Division Vehicle Nos. 11200, 11106, and 11103 as Authorized Emergency Vehicles as permitted by ARS §38-101 et seq. The purpose of this designation is to authorize the installation of red/blue light bars and any other necessary equipment for which Authorized Emergency Vehicle designation is required by law. (C70040758) (ADM815)

**RESULTS INITIATIVE REQUESTS**

In accordance with the Board FY 2004-2005 Budgeting for Results Guidelines and Priorities, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Office of Management and Budget (OMB) to accept, review, recommend and prioritize the following Results Initiative Requests (RIR) from the Facilities Management Department to fund the FY 2005 operational, maintenance and one-time costs of new facilities; NE Superior Court and Consolidated Justice Courts, \$88,694 for FY 2005, the annualized impact is \$235,415; MCSO Property & Evidence Warehouse in the amount of \$110,254 for FY 2005; Public Health Clinic, \$54,900 for FY 2005, the annualized impact is \$228,881. (C70040768) (ADM800-003)

**CALL FOR BIDS AND AWARD – ADMINISTRATION BUILDING INFRASTRUCTURE IMPROVEMENT PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsive responsible bidder, provided that the bid is not more than 10% over the engineer's estimate, for the Administration Building Infrastructure Improvement Project No. 200323077, Building No. 3310 located at 301 West Jefferson St., Phoenix. The project is funded by the FY 2003-2004 Major Maintenance Program, pending approval of related Agenda Item C70040718 by the Board on March 17, 2004, (Administration Building Improvements, Function Class, ABII in Major Maintenance, General Fund (100) Appropriated Fund Balance (480), Org. (4832)). (C70040775)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A229.008                      Project No: 69010 – PM10 / Palm Lane (78th Street to Hawes Road) – Easement and  
(DWM)                      Agreement for Highway Purposes – Parcel No. 219-23-018D – Robert J. Antebi – for  
the sum of \$15,637.00.

A229.008                      Project No: 69010 – PM10 / Palm Lane (78th Street to Hawes Road) – Purchase  
(DWM)                      Agreement and Escrow Instructions – Parcel No. 219-23-018D – Robert J. Antebi..

A256.001                      Project No: 69010 –555th Avenue (Hyder Road to Lahman Road) – Easement and  
(EGA)                      Agreement for Highway Purposes – Parcel No. 401-84-025A, 025B – Pettco  
Associates, an Arizona general partnership – for the sum of \$728.00.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

- A256.001 (EGA) Project No: 69010 –555th Avenue (Hyder Road to Lahman Road) – Purchase Agreement and Escrow Instructions – Parcel No. 401-84-025A, 025B – Pettco Associates, an Arizona general partnership.
- A257.004 (EGA) Project No: 69010 – 571st Avenue (Hyder Road to Butterfield Stage Road) – Easement and Agreement for Highway Purposes – Parcel No. 401-85-021A, 021B, 021C and 023A, 023B, 023C and 028A, 028B and 022 – Pettco Associates, an Arizona general partnership – for the sum of \$4,488.00.
- A257.004 (EGA) Project No: 69010 – 571st Avenue (Hyder Road to Butterfield Stage Road) – Purchase Agreement and Escrow Instructions – Parcel No. 401-85-021A, 021B, 021C and 023A, 023B, 023C and 028A, 028B and 022 – Pettco Associates, an Arizona general partnership.
- A276.011 (CS) Project No: 69010 – PM10 – 17th Avenue (Joy Ranch to Irvine Road) –Easement and Agreement for Highway Purposes – Parcel No. 211-50-008M – John R. Keith and Kimberly A. Keith – for the sum of \$15,082.00.
- A276.011 (CS) Project No: 69010 – PM10 – 17th Avenue (Joy Ranch to Irvine Road) –Purchase Agreement and Escrow Instructions – Parcel No. 211-50-008M – John R. Keith and Kimberly A. Keith.
- A279.006 (CS) Project No: 69010 – Rustler Road (188th Avenue – 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No. 400-52-923A – Kevin L. Dziuk and Durinda R. Bell – for the sum of \$1,379.00.
- A279.006 (CS) Project No: 69010 – Rustler Road (188th Avenue – 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No. 400-52-923A – Kevin L. Dziuk and Durinda R. Bell.
- A279.009 (CS) Project No: 69010 – Rustler Road (188th Avenue – 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No. 400-52-049X – Norman A. Bennett – for the sum of \$2,455.00.
- A279.009 (CS) Project No: 69010 – Rustler Road (188th Avenue – 186th Avenue) – Purchase Agreement and Escrow Instructions – Parcel No. 400-52-049X – Norman A. Bennett.

**CHANGE ORDER NO. 17 TO CONTRACT WITH ENTRANCO**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 17 to Contract No. CY 1999-43 with Entranco in an amount not-to-exceed \$128,668.73 for the Geodetic Densification and Cadastral Survey (GDACS), Phase 3G2 project, Work Order No. 69012. This change order will increase the total contract amount by \$128,668.73 to a revised contract amount of \$1,540,226.08. (C6499272521)

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH CITY OF TOLLESON**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Intergovernmental Agreement Amendment between MCDOT and the City of Tolleson to add

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

one additional traffic signal to the existing IGA, for operation and maintenance by the county for the city. The original IGA was signed and executed on December 6, 1995 (C64960062), and amended on April 17, 2002, by the Board (C64022172). (C6402217201)

**CONTRACT WITH OZ ENGINEERING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Contract No. CY 2004-49 with OZ Engineering, LLC, for On Call Intelligent Transportation Systems services, in an amount not-to-exceed \$125,000 during the contract performance. The contract shall be in effect from the date of execution through February 28, 2005, or until the contract amount of \$125,000 is expended, whichever occurs first. The county shall have an option to renew this contract for an additional one year period upon mutual consent of a revised fee schedule. (C64041695)

**INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF MESA**

Item: Approve Intergovernmental Agreements between Maricopa County and the City of Mesa for road improvements, as follows:

- a. Gilbert Road from McDowell Road North to State Route 87, total costs are estimated at \$14,000,000. The city will contribute \$500,000 to this project. (C64041842)
- b. Power Road from Guadalupe Road South to Elliot Road. The county will contribute \$450,000, plus 50% cost share above the first \$450,000, while the city will contribute 50% cost share above the first \$450,000. (C64041852)
- c. Val Vista Drive from South Canal North to Thomas Road. The county will contribute \$400,000 to the project. (C64041862)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreements "b" and "c" between Maricopa County and the City of Mesa for road improvements.

Motion was made by Supervisor Stapley for approval of "a." He said that this may sound out of balance but it really isn't because it is a total package with contributions being made from ADOT (Arizona Department of Transportation), the Indian Community in several ways, as well as by the City of Mesa in contributions they have made to the rest of the total freeway project that had already been built. He said the problem is that this portion is all on the Indian Reservation (almost all road construction on Indian Reservations falls to the County for improvements and connections). Supervisor Wilcox seconded the motion.

Supervisor Wilson said he had several questions on the funding of these road improvements as well as traffic statistics and several other worries. He had hoped for a continuance but realizes that these talks have been going on for the past 4-5 years

Supervisor Stapley said the Board had already approved the terms of the IGA previously but it took a year to get the other parties to agree to those terms. They have finally compromised to the County's terms and "for us to back away now would be very damaging to the good will that has been established with Mesa, ADOT and the Indian Community." He said there was still the agreement with the Indian Community to approve and all is subject to that final step. He offered to brief Mr. Wilson more fully on this matter.

**FORMAL SESSION  
March 17, 2004**

Supervisor Wilson said he understood how convoluted such negotiations could be but he still had too many things he did not understand and would base his vote, not on what he knew but on what he did not know, and said he could not support this motion.

Mike Ellegood, Director of Public Works, County Engineer and Director of the Department of Transportation, said that negotiations with the Indian Community are very much a work in progress with no way to estimate when agreement may be reached. He explained that he had recently spoken with representatives from Mesa and Gilbert and both had stressed the importance of this project and getting it completed as soon as possible. It provides a fast and easy access to State Route 87 for those going to the casinos and to the communities on the Rim.

Discussion ensued on what Supervisor Stapley termed "this very complex and multi-faceted solution."

Chairman Kunasek said that when this project first started out it was a request for more than \$40 million for improvements that the County would do alone and has been restructured from that point. Supervisor Brock added that this has been in negotiation with various governmental entities for many years and he saluted Supervisor Stapley for getting it this far and with the compromises that have been made.

Supervisor Stapley said that when this project started "Fountain Hills was a humble little hamlet of about 12,000 people and it is now over 20,000 and this is the only connection to the freeway to get to the airport and downtown Phoenix for those living in Fountain Hills." He said there had been huge bottleneck problems off of the 202 for years for those living in Mesa because it was at the end of a three-mile stretch with no exits or onramps to the 202 between Country Club and Gilbert Road. Traffic accessing the 202 from the Beeline Hwy. Is continuing to grow not to lessen and that is the portion covered by this agreement.

Supervisor Wilcox commented in support and said that this had started so long ago that it was when she had represented that Salt River and Fort McDowell area and that it really had been "a long time coming and I think that we've worked it the very best we could. It is complicated when we deal with the Reservations because many other kinds of things come into play."

Motion carried by a majority vote of 4-1 with Supervisors Stapley, Kunasek, Wilcox and Brock voting "aye" and Supervisor Wilson voting "no."

#### **REIMBURSEMENTS TO SALT RIVER PROJECT AND QWEST**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursements to the following utilities for costs incurred for the design and relocation of facilities that are in conflict with Maricopa County Department of Transportation Projects:

- a. Salt River Project (SRP) in the amount of \$390,048 for costs incurred for the design and relocation of their irrigation facilities, Project No. T076 (68949), McQueen Road, (Queen Creek to Pecos). MCDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the current estimated amount of \$390,048 by more than 10%. (C64041885) (ADM2000-006)
- b. Qwest in the amount of \$26,850 for costs incurred for the relocation and installation of their communication facilities, Project No. T-082, 68959, MC 85, Bullard Wash to Litchfield Road. MCDOT acknowledges that Qwest has prior rights for these facilities. The cost may not exceed the current estimated amount of \$26,850 by more than 10%. (C64041895) (ADM2000-006)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Maricopa Integrated Health Systems Personnel Agenda (Exhibit F).

<b>Name</b>	<b>Old Rate</b>	<b>New Rate</b>	<b>Class Title</b>	<b>Code</b>	<b>Effective Date</b>
<b>Dept: 60 Health Plans</b>					
Hunkin,Johnny A	\$0.00	\$14.54	Claims Database Coord	Nhr	02/16/2004
Steele,Mary Denise	\$16.96	\$16.70	Sail Case Manager	Coa	02/15/2004
Ward,Angela L	\$14.36	\$15.90	Claims Processor II	Pro	02/16/2004
<b>Dept: 90 Maricopa Medical Center</b>					
Aguilar,Jesuita R	\$0.00	\$7.88	Ltc Attendant (F)	Reh	02/17/2004
Alvarez,Laura	\$0.00	\$10.00	Medical Office Receptionist	Nhr	02/02/2004
Andrade,Stephanie A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/23/2004
Arroyo,Mayra Q	\$0.00	\$9.60	Medical Assistant	Nhr	02/17/2004
Authorlee,Joyce M	\$8.19	\$8.99	Ltc Attendant (G)	Pro	02/06/2004
Auto,Climaco B	\$7.50	\$8.94	Ltc Attendant (G)	Pro	02/17/2004
Badger,Shirley A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/23/2004
Bailey,Reginald D	\$0.00	\$7.23	Evs Associate	Nht	01/22/2004
Balcom,Bruce G	\$0.00	\$12.35	Security Officer	Nhr	02/17/2004
Barba,Ralph	\$10.39	\$13.51	Patient Care Assistant	Pro	02/15/2004
Bednarski,Elzbieta	\$7.50	\$8.94	Ltc Attendant (G)	Pro	02/17/2004
Berg,Michelle A	\$12.55	\$13.17	Medical Records Clerk	Pro	02/16/2004
Billingsly,Alfreeda	\$7.88	\$8.99	Ltc Attendant (G)	Pro	02/03/2004
Bittel-Peck,Jenifer C	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/17/2004
Blackson,Kathy M	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/26/2004
Bueno,Elisa	\$0.00	\$10.03	Medical Assistant	Nhr	02/02/2004
Calderon,Anita	\$0.00	\$8.99	Ltc Attendant (G)	Reh	02/17/2004
Carter,Patrick L	\$0.00	\$13.39	Licensed Practical Nurse	Nhr	02/17/2004
Castro,Mary	\$0.00	\$16.81	Radiology Practical Tech	Nhc	02/16/2004
Chiles,Philip R	\$20.67	\$24.26	Technical Support Engineer	Pro	01/18/2004
Crawford,Lori A	\$0.00	\$13.20	Psych Tech	Nhr	02/02/2004
De Nio,Dianna G	\$23.21	\$28.82	Ultrasound Tech	Pro	01/09/2004
Dowty,Kim I	\$12.96	\$13.80	Administrative Coordinator	Pro	02/15/2004
Ebbens,Matthew K	\$14.94	\$13.44	Radiology Practical Tech	Coa	02/15/2004
Farina,Salvatore M	\$20.67	\$24.26	Technical Support Engineer	Pro	01/18/2004
Finch,Noleen A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/23/2004
Gallaway,Diane L	\$0.00	\$9.59	Health Unit Coordinator	Reh	02/17/2004
Gamez R,Maria E	\$0.00	\$7.23	Evs Associate	Nhr	02/02/2004
Garcia,Miguel R	\$14.83	\$12.84	Laundry Worker Lead	Dem	01/18/2004
Grimm,Brian R	\$0.00	\$9.25	Health Unit Coordinator	Nhr	02/17/2004
Guerra,Esther J	\$0.00	\$10.46	Registration Specialist	Nhr	02/17/2004
Gurney,Helene M	\$0.00	\$7.88	Ltc Attendant (F)	Reh	02/23/2004
Gutierrez,Brenda	\$8.99	\$9.34	Ltc Attendant (G)	Ic	01/04/2004
Hamilton,Celeste N	\$0.00	\$14.13	Psych Tech	Nhc	02/02/2004
Hart,Lynda R	\$0.00	\$18.25	Registered Nurse	Nhr	02/02/2004
Hays,Robert	\$11.80	\$14.13	Psych Tech	Coa	02/15/2004

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

Healey, Nina J	\$11.81	\$14.92	Appointment Scheduler Clerk	Pro	11/09/2003
Ichrist, Kevin M	\$24.94	\$28.05	Registered Nurse	Pro	02/15/2004
Insolia, Katusha P	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/23/2004
Joe, John	\$21.91	\$28.82	Ultrasound Tech	Pro	01/19/2004
Johnson, Jennifer L	\$24.96	\$36.37	Registered Nurse	Coa	02/01/2004
Jorgensen, Jerri M	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/26/2004
Karam, Luz S	\$0.00	\$9.00	Dept Clerk	Nhr	02/17/2004
Kelley, Jennifer M	\$18.70	\$17.14	Or Tech	Coa	02/15/2004
Klitz, Nicholas J	\$0.00	\$12.50	Pharmacy Tech Certified	Nht	02/17/2004
Kohler, Cynthia P	\$0.00	\$7.23	Evs Associate	Nhr	02/09/2004
Lang, Christna M	\$13.59	\$10.87	Lab Assist/Phlebotomist	Coa	02/02/2004
Laswell, Nina M	\$7.22	\$8.60	Ltc Attendant (G)	Pro	01/01/2004
Lee, Lisa V	\$0.00	\$9.02	Pharmacy Tech	Nhc	02/17/2004
Lewis, Herbert V	\$0.00	\$7.11	Food Service Worker	Reh	02/05/2004
Loffredo, Patrick J	\$0.00	\$12.43	Psych Tech	Nhr	02/02/2004
Lynn, Teresa L	\$7.88	\$8.99	Ltc Attendant (G)	Pro	02/15/2004
Mamou, Falah	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/17/2004
Markel, Caressa L	\$8.19	\$7.50	Ltc Attendant (F)	Ic	01/01/2004
Martinez, Lorraine R	\$0.00	\$9.97	Health Unit Coordinator	Nhr	02/17/2004
Maxwell, Chad M	\$0.00	\$8.99	Ltc Attendant (G)	Reh	02/26/2004
McClure, Chelsea	\$11.53	\$10.47	Radiology Scheduler	Coa	01/04/2004
McGann, James C	\$20.03	\$36.37	Registered Nurse	Coa	12/21/2003
Moore, Micah D	\$0.00	\$10.86	Pharmacy Tech Certified	Nhr	02/17/2004
Oliver, Dorinda D	\$11.01	\$15.82	Cardiology Tech	Pro	02/01/2004
Orozco, Maria C	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/23/2004
Patterson, Catherine M	\$28.26	\$33.25	Registered Nurse	Coa	02/15/2004
Phelps, Rebecca	\$0.00	\$16.20	Executive Assistant	Nht	02/25/2004
Pinon, Dianna L	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/26/2004
Raley, Shagay M	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/17/2004
Ramirez, Olivia	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/26/2004
Rappa, Charity J	\$0.00	\$12.18	Dietetic Tech	Reh	01/14/2004
Rowe, Marie A	\$36.37	\$28.26	Registered Nurse	Coa	02/15/2004
Rudenko, Katherine E	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/23/2004
Sanchez, Margarita O	\$0.00	\$8.52	Evs Associate	Nhr	02/02/2004
Schwartz, Susan E	\$7.88	\$8.99	Ltc Attendant (G)	Pro	01/26/2004
Sheridan, Seonah	\$7.88	\$8.99	Ltc Attendant (G)	Pro	01/05/2004
Shoemaker, Benjamin J	\$18.50	\$22.34	Radiology Technologist	Coa	01/19/2004
Smith, Rosetta M	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/17/2004
Sommer, Michelle A	\$17.24	\$18.96	Registered Nurse	Pro	11/23/2003
Soriano, Karen M	\$13.40	\$18.50	Radiology Technologist	Pro	01/20/2004
Southwick, Wayne B	\$27.00	\$25.24	Registered Nurse	Coa	02/15/2004
Stowell, Travis G	\$0.00	\$10.00	Medical Assistant	Nhr	02/02/2004
Thompson, Tim	\$0.00	\$16.52	Supr Environment Svcs.	Nhr	02/17/2004
Tyler, Venus L	\$7.88	\$7.22	Ltc Attendant (F)	Ic	01/04/2004
Varnes, Shepard	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/23/2004
Vasquez, Maria E	\$8.99	\$8.60	Ltc Attendant (G)	Ic	02/01/2004
Villegas, Bertha A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/17/2004
Vogt, Kay M	\$0.00	\$27.20	Registered Nurse	Nhr	02/17/2004
Vojir, Russell J	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/23/2004



<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**March 17, 2004**

Wade, Maria C	\$0.00	\$8.99	Ltc Attendant (G)	Reh	02/17/2004
Ward, Andrew B	\$0.00	\$14.11	Psych Tech	Nhr	02/02/2004
West, James B	\$7.88	\$7.22	Ltc Attendant (F)	Ic	02/01/2004
Wiese, Leslyn R	\$28.05	\$28.26	Registered Nurse	Coa	02/15/2004
Winkleman, Linda M	\$0.00	\$34.78	Assit Director Medical Rec.	Nhr	02/23/2004
Wong, Lan	\$0.00	\$42.00	Dentist	Nhr	02/17/2004
Yancey, Kenya L	\$10.82	\$11.25	Registration Specialist	Pro	02/16/2004

Nhc - New Hire Contract  
 Nhr - New Hire Regular  
 Nht - New Hire Temporary  
 Reh – Rehired  
 Pro - Promotion  
 Dem - Demotion

Adv - Salary Advancement  
 Coa - Change Of Appointment  
 Cor – Correction  
 Ic – Insurance Change/Attendant Care Workers  
 Swa - Special Work Assignment

**RESIGNATION OF TOM LIDDY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the resignation of Tom Liddy from the Citizen's Transportation Oversight Committee. (C06040369) (ADM2047-001)

**APPOINTMENT OF MR. TERRY RAINEY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Mr. Terry Rainey to the Citizen's Transportation Oversight Committee, as the District 1 nominee. The term of appointment will be from the date of Board approval through June 17, 2007. (C06040389) (ADM2047)

**RESIGNATION OF DEAN SHOEMAKER**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the resignation of Dean Shoemaker from the Travel Reduction Program Regional Task Force. (C06040379) (ADM2358-001)

**HEARING SET – ENVIRONMENTAL SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing, as required by ARS §49-479(b), for 9:00 a.m., Wednesday, April 21, 2004, to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 331 (Solvent Cleaning) and the Appendix To Rule 331 and on submitting the rules as revisions to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 331 and the Appendix To Rule 331 and to submit the rules as revisions to the (Arizona) State Implementation Plan. (C88040377) (ADM2354)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**HEARING SET – PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for April 7, 2004, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z2003-077; Z2003-085; Z2003-094; Z2003-118; MP90-01**

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held January 21, 2004.

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA INSURED HEALTH FACILITY REVENUE BONDS (CATHOLIC HEALTHCARE WEST)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR).

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA INSURED HEALTH FACILITY REVENUE BONDS (CATHOLIC HEALTHCARE WEST), 2004 SERIES A, B AND C, THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA HEALTH FACILITY REVENUE BONDS (CATHOLIC HEALTHCARE WEST), 2004 SERIES D, AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA HEALTH FACILITY REVENUE BONDS (CATHOLIC HEALTHCARE WEST), 2004 SERIES E AND 2004 SERIES F, IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$400,000,000 (THE "BONDS"). (ADM4792)

**ASRS PAYMENT OF CLAIMS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of the following current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309)

<b><u>Name</u></b>	<b><u>Total Employer Cost</u></b>
James Vasko	\$19,155.69
Theresa Wilson	888.87

**MIHS-HP CLAIMS RESOLUTION PROCESS**

None were presented at this time. (ADM409-001)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

**2004 COMBINED CHARITABLE CAMPAIGN DONATIONS**

None were presented at this time. (C88040057) (ADM3311-002)

**2004 NACO ANNUAL CONFERENCE DONATIONS**

None were presented at this time. (C2003015M) (ADM652)

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated March 17, 2004, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**OFFICIAL APPOINTMENT AND OATH OF OFFICE OF MICHAEL J. BUTLER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Official Appointment and Oath of Office of Michael J. Butler, as special deputy county attorney in the Office of the County Attorney.

**SECURED TAX ROLLS**

No changes were presented at this time. (ADM705)

**AMEND BOARD ACTION REGARDING FINAL PLAT S2002-044**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to amend the record of the action taken by the Board on July 2, 2003, regarding Final Plat S2002-044 in District 1. This case number was incorrectly listed as S2002-004 in District 4. All other information was accurate. The minutes will be amended as follows: (F23106)

<b>S2002-044</b>	<b>District 1</b>
Applicant:	Southwest Custom, L.L.C.
Location:	Approximately 641' north of San Tan Boulevard and 1,318' west of Ellsworth Road (in the Queen Creek area)
Request:	Final Plat in the Rural-43 zoning district for Citrus Coves (approximately 20.17 gross acres)

**CANVASSES OF ELECTIONS**

None were presented at this time.

**REQUESTS FOR TAX ABATEMENTS**

None were received at this time. (ADM708)

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**March 17, 2004**

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve duplicate warrants to be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Gerald L. Rediger	240014887	General	\$1,307.33
Jennifer Parker	240009345	Payroll Clearing Acct	\$343.90
US Postmaster	340518374	Expense	\$148.00
Christina Rockwell	240018737	General	\$818.24
Greta D. Garrett	240001720	Payroll	\$791.09

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Oscar Potenciano	Alhambra SD	14-0082825	\$519.49
Esther Vilchis	Balsz SD #31	140075213	\$310.69
Bright Ohonsi	Alhambra SD	140077631	\$684.20
Weekly Reader	Roosevelt SD #66	440052572	\$257.70
Old Pueblo Archaeology Center	Roosevelt SD #66	440062090	\$153.23
Dallin Frazier	Superintendent of Schools	14-0083587	\$267.81
Dan Lorti	Fountain Hills USD	440091831	\$245.00
City Lights	Tolleson Union High SD	44-0081047	\$459.34
Jennifer Brausam	Pendergast SD	14-0078594	\$273.18

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Steven Clyde Bates	\$1,123.25
Steven Clyde Bates	\$559.49
Steven Clyde Bates	\$522.49
Steven Clyde Bates	\$591.96
Cliff Suffer	\$1,335.70

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases, list dated March 17, 2004. (ADM704)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

<b>2001/2002</b>	<b>2003/2004</b>
TX 00-000683	TX 03-000636
<b>2003</b>	<b>2004</b>
TX 02-000530	ST 03-000173
TX 03-000100	TX 03-000660

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
102-27-102B	2001	JOHN ULLOA	LC/4	LC/3
102-27-102B	2002	JOHN ULLOA	LC/4	LC/3
102-27-102B	2003	JOHN ULLOA	LC/4	LC/3
103-04-125	2001	OLIVIA OCHOA	LC/4	LC/3
103-04-125	2002	OLIVIA OCHOA	LC/4	LC/3
103-04-125	2003	OLIVIA OCHOA	LC/4	LC/3
105-32-014	2001	RUBY DENNIS	LC/4	LC/3
105-32-014	2002	RUBY DENNIS	LC/4	LC/3
105-32-014	2003	RUBY DENNIS	LC/4	LC/3
115-45-051	2001	DELFINA ALAFA	LC/4	LC/3
115-45-051	2002	DELFINA ALAFA	LC/4	LC/3
115-45-051	2003	DELFINA ALAFA	LC/4	LC/3
142-63-377	2001	DON HARLAN	LC/4	LC/3
142-63-377	2002	DON HARLAN	LC/4	LC/3
142-63-377	2003	DON HARLAN	LC/4	LC/3
144-01-281	2001	MARIA GODBOOLT	LC/4	LC/3
144-01-281	2002	MARIA GODBOOLT	LC/4	LC/3
144-01-281	2003	MARIA GODBOOLT	LC/4	LC/3
148-06-079	2001	DANIEL CHARLES	LC/4	LC/3
148-06-079	2002	DANIEL CHARLES	LC/4	LC/3
148-06-079	2003	DANIEL CHARLES	LC/4	LC/3
152-22-001	2001	LORETTA DUGAN	LC/4	LC/3
152-22-001	2002	LORETTA DUGAN	LC/4	LC/3
152-22-001	2003	LORETTA DUGAN	LC/4	LC/3
174-06-195	2001	MARIE BOUCHARD	LC/4	LC/3
174-06-195	2002	MARIE BOUCHARD	LC/4	LC/3
174-06-195	2003	MARIE BOUCHARD	LC/4	LC/3
174-10-039	2003	EVONDA COPELAND	LC/4	LC/3
200-44-118	2001	ANNE GONZALES	LC/4	LC/3
200-44-118	2002	ANNE GONZALES	LC/4	LC/3
200-44-118	2003	ANNE GONZALES	LC/4	LC/3
217-61-314	2003	ANDREW MASLICK	LC/4	LC/3
231-03-552	2003	MELISSA STAUFFER	LC/4	LC/3
300-15-014J	2001	NORMAN RIGGS	LC/4	LC/3
300-15-014J	2002	NORMAN RIGGS	LC/4	LC/3

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**March 17, 2004**

300-15-014J	2003	NORMAN RIGGS	LC/4	LC/3
403-61-131	2001	LUIS MARTINES	LC/4	LC/3
403-61-131	2002	LUIS MARTINES	LC/4	LC/3
403-61-131	2003	LUIS MARTINES	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held March 1, 2004.) (ADM407)

Romero Dominquez	\$6,182.47	Michael Edwards	\$364,365.86
Bobby Henson	9,512.00	Teresa Hernandez	1,150.00
Juana Pacheco	1,325.00	Jaime Rosales	10,000.00
Geronimo Salgado	12,500.00	David Schenkel	10,000.00
Marco A. Soto	5,000.00	Manny Valenzuela	117,160.34
Franchesca Wasielewski	3,500.00		

**CONTRACT WITH MOBILITY TECHNOLOGIES, INC. FOR AZTECH PHASE III ITIP PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a no-cost Contract No. CY 2004-50 with Mobility Technologies, Inc. for the AZTECH Phase III, Intelligent Transportation Infrastructure Program (ITIP) project, Work Order No. 82560. The US DOT will provide \$2 million in Federal funds for each eligible metropolitan area that chooses to participate in this expansion of the ITIP. The Federal view of this effort is that it is a data services contract that provides a guaranteed delivery of information in each location for a period of ten years, but which comes with lifetime access rights to the data generated without further cost. The Federal funding provided is payment for the management and provision of data, for the ten-year life of the task order and beyond. (Addendum item A-1.) (C64041805)

**CONTRACT WITH INTERNATIONAL SURFACING SYSTEMS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the award of a contract to International Surfacing Systems, for the performance of the Chip Seal Project, Spring 2004, Work Order Number 30050015 in the amount of \$1,346,892, which is 13.9% over the engineer's estimate. This project involves applying a hot asphalt binder to the road surfaces and then applying a pre-coated stone chip to the binder for a long-lasting surface. This is McDOT's first bid with this method of chip sealing. The engineer's estimate for this project factored in an increase in the cost of using pre-coated stone chips, but the bid price was higher than anticipated. (Addendum item #A-2.) (C64041835)

**PUBLIC COMMENT**

Anna Marsolo, citizen, said the Planning Department's method of posting was lacking. The signs are too small and inconspicuous and have no name or phone number to contact a County person. She also addressed the Board's meeting day and time, saying that 9:00 a.m. on a Wednesday was too inconvenient for residents who are employed and asked about the possibility of evening meetings. (ADM605)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

Anthony Abril, citizen, referred to an article stating that Ford Motor Company would build a huge plant in Hermosillo, Mexico, and asked that all citizens boycott Ford Motor Company in Arizona.

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Wilson reported that Justice of the Peace Gerald Ashton of the North Valley Justice Court had passed away over the last weekend and extended the Board's sympathies to his family. He also reported that Secretary of State Jan Brewer was hospitalized after surgery on Saturday and has been in Intensive Care. Ms. Brewer is a former County Supervisor for District 4. (ADM606)

Supervisor Brock reported on the successful Sun Lakes clean-up that had estimates of close to 1,000 people participating to clean out many hazardous substances such as old paint, batteries, pesticides, motor oil, etc. and he thanked everyone involved.

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1. S2001-067 District 4  
Applicant: Brown Ty, L.L.C. on behalf of Security Title Agency Trust  
Location: West of the northwest corner of 195<sup>th</sup> Ave. & Osborn Rd. (in the Buckeye area)  
Request: Final Plat in the Rural-43 zoning district for Pasqualetti Mountain Ranch – Phases 2 & 3 (approximately 122.2 acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

2. S2003-077 District 3  
Applicant: Stanley Consultants, Inc.  
Location: North of Anthem Way along the east side of Anthem Hills Dr. (in the Anthem area)  
Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 50 (approximately 78.72 gross acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

3. S2003-090 District 4  
Applicant: Beazer Homes Holding Corporation  
Location: Northwest corner of Perryville Rd. & Thomas Rd. (in the Goodyear area)  
Request: Re-Plat in the Rural-43 zoning district for Litchfield Farms II (approximately 20.46 gross acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final re-plat.

**FORMAL SESSION  
March 17, 2004**

**REGULAR AGENDA DETAIL:**

(Chairman Kunasek moved item #5 (Z2003-105) ahead in the meeting and item #4 (Z2003-029) followed.)

5.       Z2003-105       District 3 (This case requires a  $\frac{3}{4}$  majority vote to approve, due to opposition from adjacent property owners.) - CONTINUED
- Applicant:       Tim Cogil
- Location:        Southwest corner of Westland Rd. & Cave Creek Rd. (in the north Phoenix/Cave Creek area.)
- Request:         Rezone from Rural-43 to C-2 P.D. – Catherine’s Center of Dance (1.77 ac.)

The Commission directed the applicant to submit a revised site plan within two weeks of Commission approval to staff for review modifying student pick-up and drop-off provisions. Due to this action, the request will not be routinely scheduled for the March 3, 2004 Board of Supervisor’s hearing, but delayed two weeks to the March 17, 2004 Board of Supervisor’s hearing.

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2003-105, subject to the following stipulations “a” through “u”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a.       Development of the site shall comply with the zoning exhibit entitled “Catherine’s Center of Dance”, consisting of 1 sheet, revised and stamped received January 23, 2004, except as modified by the following stipulations.
- b.       Development of the site shall be in conformance with the narrative report entitled “Rezone property from R-43 to C-2 for the construction of Catherine’s Center of Dance”, consisting of 5 pages, stamped received September 23, 2003, except as modified by the following stipulations.
- c.       The applicant shall enter into a pre-annexation agreement with the City of Phoenix and to voluntarily accept the City of Phoenix’s equivalent dance conservatory zoning of Commercial 1 (C-1) once the subject property has been annexed.
- d.       The site shall be subject to a Plan of Development overlay.
- e.       At least two handicap accessible parking spaces with the minimum dimensions of 13’ x 18’ shall be required. Prior to zoning clearance a revised site plan shall be submitted reflecting this change.
- f.       Dedication of additional rights-of-way to bring the total half-width dedication to 40’ for Westland Rd. and 70’ for Cave Creek Road shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- g.       Provide ultimate half-width improvements on Westland Road to include pavement, curb, gutter and sidewalk. The applicant shall coordinate with the City of Phoenix and MCDOT in this regard.



- h. The driveway shall be paved in County right-of-way owner
- i. Prior to any development an engineered grading and drainage plan must be submitted to our office for review and approval.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site
- k. All transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Primary sign must be located outside the ultimate right-of-ways, required clear-sight distance triangles, and the 105' Cave Creek Scenic Corridor.
- n. Primary sign shall be of a monument type.
- o. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- p. All parking areas shall be screened with low water use native landscape material to obscure the view of the parking area from Cave Creek Road, Westland Road and the surrounding residential properties.
- q. Interior circulation and parking areas shall be dust-proofed with a heavy (1" or larger) gravel acceptable to the Department of Transportation and the Environmental Services Department.
- r. Building heights shall be limited to lesser of one story or 30'. Any changes to this height would require a Major Amendment to the Plan of Development, and require public participation.
- s. The applicant shall provide a trail easement (in perpetuity) to the City of Phoenix's specifications within the 105' scenic corridor and generally lying parallel to the Cave Creek Road frontage.
- t. Major changes to this Plan of Development shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

**FORMAL SESSION  
March 17, 2004**

- u. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Joy Rich, Chief Regional Development Services Officer, gave background information on this case and said there was considerable property owner opposition to the rezoning. She explained that the applicant will be required to get their water from the City of Phoenix and Phoenix had commented extensively on how they would like this property to be developed. Phoenix has worked with the owner and County staff to resolve issues and the subject of future annexation by the city is under discussion. She explained changes to several stipulations. Stipulation "a" has a date change from January 23, 2004 to February 23, 2004. To facilitate completion of the preannexation agreement, modification of stipulation "c" is recommended by adding the words, "Prior to zoning clearance for a building permit the applicant shall enter into a preannexation agreement with the City of Phoenix and their zoning change to C-1."

Ms Rich continued by saying that some of the concerns expressed by residents include general opposition to a commercial zoning change and what uses would be allowed under the County's C-2 zoning. (This business would be allowed under the County's C-2 zoning. Phoenix allows it under their C-1 zoning. Uses allowed under these zoning classifications are different.) She also mentioned stipulation "r" on building heights limitation to one story. She said the applicant has also agreed to abide by Cave Creek Road's 105 ft. scenic setback (stipulation "s") and, using an aerial-view slide, she showed that the 105 feet "takes up quite a large portion of this property because of the location of Cave Creek Road." There are residences adjacent to this site and also a commercial retail nursery north of it.

In response to questions from Supervisor Wilson, Ms. Rich replied that when rezoning is requested a scenic setback is a landscape requirement and not a dedication of right-of-way or a "taking" of land by a government entity, and it precludes any development in the setback. It is a County requirement as well as a city requirement. Chairman Kunasek interjected that there are similar setbacks along Carefree Highway and I-17.

Those registering opinions of support or opposition and those signing up to speak on this matter included Cave Creek Mayor Vince Francia, who was against this rezoning. Those in favor of the dance studio were, Barbara Csaki, Cathy and Tim Cogil, applicants, and Don A. Sanchez. Those registering in opposition to the studio included Michael D. Rich, Dove Valley Coalition; Anna Marsolo; Charles Bormann, Saguaro West One; Brad Greenberg; Shea Stanfield; James Stalcup; David Davis; Kathryn Hulka and Linda Bentley.

In response to the Chairman's call for those wishing to speak, Barbara Csaki, architect for the project, came forward. She commented on the accuracy of Ms. Rich's summary. She said her client would limit her commerce to only a dance studio. They feel more comfortable with the protection of Phoenix's C-1 zoning, which is less intense, but realize they need to accept the County's C-2 zoning until annexation is completed. She said "this is a precise plan" and any changes prior to annexation would have to be approved by the County. Ingress and egress will be to the north to Westland Road and not to Cave Creek Road.

Mayor Francia first commented on the excellent relationship that has developed between Cave Creek and Maricopa County, generated in part by working together to create the Spur Cross Conservation Area. He said that Bill Scalzo and the County's Park Department, "have been incredibly generous and exceedingly patient with Cave Creek." He also mentioned a new Intergovernmental Agreement (IGA) between the town and the Flood Control District following a meeting with the District and Supervisor Stapley, and various other parcels of land the town is negotiating on for preservation purposes. He explained that in this request no one is objecting to a dance studio but it is the question of rezoning residential properties that causes the opposition. He said, "Once you begin rezoning, where does it end?" The fear is that it could start a series of rezonings

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

resulting in a negative impact on the residents living in the area. Because of this probable future impact he requested the Board to deny the request.

Chairman Kunasek asked for speakers in opposition to pick a spokesperson to represent them, noting there were fewer speakers in favor of the project.

Anna Marsolo, provided a set of new petitions, offered a photo collection of homes in the area, and read a prepared statement delineating the feeling of residents who moved to the area for the ambiance and who wanted to keep it. She asked for a denial of the zoning change.

Michael Rich, speaking in opposition, said the coalition he is speaking for represents 1,300 people in several HOA complexes. He commented that the existing sewer line is five blocks away and questioned if a septic tank could accommodate the projected number of 500 people daily. He quoted a July 10<sup>th</sup> letter from the City of Phoenix Planning Director as saying, "the project would not conform to the City of Phoenix General Plan. The land is designated as residential." He asked the Board to reject the plan.

Supervisor Wilcox commented on a seeming lack of trust that this would be developed as stated. She said the stipulations "are very firm" in making sure the will of the community is followed. She felt this parcel would be unsuitable for a residence because of the proximity to heavy Cave Creek Road traffic. She said, "Communities need diversity. This is a busy street and the nursery set a good precedent for the type of business that could be compatible." She felt this studio would be a good use.

Kathryn Hulka, in opposition, spoke of zoning encroachments she has faced in the past and how important it is for people to get involved in the issue rather than to let the commercial expansion proceed without voicing their opposition to it. She cited changes that have taken place since 1996 from the original intent of the stipulations for Dove Valley Ranch development. She stated, "Yes we are concerned about the stipulations – because they get changed and the protection originally promised residents is eroded." She said there are other areas where the dance studio would fit in better and find less opposition. She asked for consideration for their way of life, which is receding into the past.

**~ Supervisor Wilcox left the meeting ~**

Charles Bormann spoke in opposition, saying he felt great passion about this request and that he spoke for himself and also the 79 one-acre property owners in Saguaro West One immediately adjacent to this site. He said the people living there are all opposed to the rezoning with a passion because it impacts on their lifestyle. He added that many of the people living there had moved to that location because they'd previously had bad experiences with rezoning impacting their desired way of life. He also felt that the nursery was not a beneficial addition to the area for several reasons including all the trees and the heavy increase in traffic on 52<sup>nd</sup> street. He said, "I walked that area but I don't any more because it's dangerous." He felt the additional dance class traffic would create a major safety hazard and asked for a "no" vote on this request.

Chairman Kunasek commented that since driving the area with Mr. Bormann he had asked Planning and Zoning to investigate what appeared to be potential zoning violations made by the nursery.

Shea Stanfield, Cave Creek Town Council, said she spoke to support residents who want this rezoning to be denied. She has also had a series of bad personal experiences due to rezoning of former residences and other properties she owned. She said she is on the town council to gain a measure of control over the lifestyle she has now found in Cave Creek. She strongly opposes the rezoning.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

David Davis bought his house in 1980 and does not want commercial entities moving into the neighborhood. He feels the rezoning would open the door to this.

Tim Cogil, applicant, said their dance studio is a performing arts studio and enhances the education of children. He said they have worked with County, Phoenix, and neighbors and have done "everything we can to satisfy all the needs that potentially could arise from the community."

Supervisor Wilson said that his work with the County had apparently satisfied County requirements, "but obviously you haven't put the same concerns in with the neighbors that surround you and who show a lot of concern." He said that the Board looks for extenuating circumstances whenever a zoning change is made in a residential neighborhood.

Mr. Cogil said he talked to residents within 300 feet and has gotten mostly positive feedback. He said they have designed a studio that "looks like a home" having held the height to 19 feet. They developed the property in ways to suit the neighbors' needs as well as the needs of the students. "We feel very comfortable that we are supporting the neighbor's concerns on this."

Discussion ensued on his agreeing to attach a deed restriction to future use of the property by new owners as a safeguard to the rezoning since it would allow a wide variety of commercial uses and building restrictions.

Supervisor Stapley said the problem is that any successor in ownership of the property can amend the deed restrictions at any time because it is between one property owner and the next. Neither the County nor city has any control over it.

When asked for an opinion by Chairman Kunasek, Terry Eckhardt, County Counsel said the County Attorney's Office would not opine on a deed restriction because it is a private matter. He said that the private attorneys to the parties should discuss it but "it should not be part of the zoning case."

Supervisor Wilson suggested the applicant apply for a Special Use Permit (SUP). Joy Rich said that the Ordinance lists specific uses under a Special Use Permit and a dance studio was not one of them.

The issue of the sewer/septic tank was discussed. Joy Rich said the studio's projected capacity of 500 students would require a 15,000 gallon septic tank and that Environmental Services had approved the site for a septic tank.

Chairman Kunasek asked for a motion to continue this to study a deed restriction and/or other solutions to the problem.

Motion was made by Supervisor Stapley to continue this matter for two weeks to the April 7, 2004, meeting. He added, for the record, "The problem is that it isn't the integrity of this applicant, it's subsequent owners and users who could thwart the best deed restrictions on the books. I've seen it happen time and again and I'm very uncomfortable with that as a solution."

Supervisor Wilson seconded the motion and added his agreement to Mr. Stapley's concerns. On rezoning, he said, "The reality is that things can change in your business in weeks and months and these people want to live there for years and years." He referenced the opinions expressed by Mayor Francia and Councilwoman Stanfield and his respect for their viewpoint on the matter.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

Chairman Kunasek called for the vote on the motion for a continuance to the April 7, 2004, meeting. Motion carried unanimously (4-0-1).

- 4.      Z2003-029      District 2 (This case continued from meeting of February 18, 2004.)**  
**Applicant:** William D. Martin  
**Location:** Northeast corner of Rio Verde Dr. & 160<sup>th</sup> St. (in the Rio Verde area)  
**Request:** Special Use Permit (S.U.P.) for an equestrian center in the Rural-43 zoning district (16.27 ac.)

**COMMISSION ACTION:** Commissioner Gulbrandsen moved to recommend approval of Z2003-029, subject to the following stipulations "a" through "t". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall be in substantial conformance with the site plan consisting of two (2) full-size sheets entitled "Request for a Special Use Permit, Four Peaks Ranch", date-stamped by the engineer May 27, 2003 and stamped received October 7, 2003.
- b. Development of the site shall be in conformance with the narrative report entitled "Special Use Permit Application for Four Peaks Ranch, Z2003029, Revised Narrative Report," consisting of eight (8) pages, stamped received June 12, 2003, except as modified by the following stipulations.
- c. All team roping competitions shall be completed and all amplified sound and lighting shall be turned off by 9:00 P.M. Sunday through Thursday, and by 10:00 p.m. Friday and Saturday.
- d. Numbers of total events (team roping competitions) are limited to two (2) events per month, two (2) days per event, or a total number of four (4) event days per month. Number of total attendees, including participants, workers and spectators, for team roping competitions shall be limited to 200 persons.
- e. Number of total attendees on non-event days, including participants, workers and spectators, shall be limited to 80 persons at any given time.
- f. In no instance, shall there be on-street parking related to these events.
- g. The overflow parking area shall be treated for dust control.
- h. The applicant shall participate in the paving of 160<sup>th</sup> Street, where adjacent to the subject property, when traffic warrants (150 A.D.T.).
- i. The holder of the Special Use Permit agrees, to the best of his legal ability, to cause the complete removal of the windmill/cell tower structure located on a portion of the subject property which he owns but which is currently leased to others; and the holder further agrees to keep the County apprised as to any request or changes to the relationship between himself and the holder of the aforementioned lease.
- j. The total combined, aggregate area of the proposed freestanding (monument style) signs shall not exceed 120 sq. ft.

- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the public right-of-way.
- l. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event." Additionally, the retention requirements for this site only require first flush, which is the first ½ inch of runoff to account for the required volume or first flush treatment/filtration.
- m. All outdoor lighting shall conform with Article 1112 of the Maricopa County Zoning Ordinance. All freestanding light fixtures shall be shielded.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. Major changes to the Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Plan of Development shall require a Citizen Participation Process.
- p. A Status Report must be submitted every five years from the date of the Special Use Permit approval by the Board of Supervisors in order to monitor the use.
- q. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- r. This Special Use Permit shall expire in 15 years. Any request for extension must be submitted at least six months prior to the expiration date.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one week's accumulation of manure. All manure shall be removed from the site at least once per week and disposed of in a proper manner acceptable to the Maricopa County Environmental Services Department.

**FORMAL SESSION  
March 17, 2004**

Joy Rich, Chief Regional Development Services Officer, gave background on this item and reported on what had taken place at the Planning Commission hearing. Staff has received four letters in opposition and six letters in support of the request but additional opposition letters were received following the Planning Commission Hearing. She said that concerns raised relate to the timing of events, lights, noise, camping, the number of attendees, signage and alcohol consumption. After meeting with Rio Verde property owners, the staff developed revised stipulations and added several new stipulations. This revised list was presented for consideration today, however, the stipulations still not having complete agreement are "j" "t" and "w."

Those registering an opinion or requesting to speak included Bill Martin, applicant; LoriAnn Busse, Rio Verde Foothills Alliance; Cindy Warren; Barbara Rago and Sandra Rios [Balderama](#).

Bill Martin responded to questions from Supervisor Stapley on the three areas of disagreement, the first being signage size, which the applicant feels is too small in the stipulation. Mr. Martin said that wing walls are used in that area on each side of the gate and the County counts both wing walls as signage space. Joy Rich said the stipulation addresses only the face area of the sign and Mr. Martin replied, "No problem then, I misunderstood."

Supervisor Stapley asked about stipulation "t" on lids for manure holders and Mr. Martin said that they don't make covers for the depressed, concrete, 3-sided structure that he built so dump trucks could drive into it. He said he was told it had to be "enclosed" but no mention was made of a cover. Mr. Stapley felt this could be worked through.

Supervisor Stapley referenced the last issue with the newly added stipulation "w" regarding the sound/space/duration issue. Mr. Martin said there had been no mention of time or decibel levels in the original stipulations and neighbors with small children had requested this stipulation, which he felt was vague and unworkable. Joy Rich explained that originally the sound level was to be measured at the property line and now neighbors wanted it to be measured ¼ mile from the property line and for a longer period. She added that their enforcement officers would have difficulty in figuring out just where that might be and would have to encroach on private properties to take the decibel readings. She said this had also caused her to have concerns with that request. Supervisor Stapley determined that the measurement would stay at the property line and at 20 sustained seconds. He said, "70 decibels for 20 seconds."

- w. Sound levels outside of subject property shall not exceed 70 decibels averaged over any twenty-second period as measured at any point along the boundary of the subject property.

LoriAnn Busse, Rio Verde Foothills Alliance, thanked the Board for the extension of time given at the last meeting to allow the neighbors to get together with the Planning staff for answers to their questions. She said the applicant has proven that horsemen can be considerate of their neighbors' rights and concerns and he had built a bridge rather than continued to drive a wedge, as others had done. She said that sadly, the trend in that area is for horse owners to gradually represent a smaller proportion of property owners than before as it grows into a primarily residential, albeit a rural residential, area. She said that cooperation was vital in promoting harmony and co-existence among property owners in their neighborhood. She expressed appreciation for the compromise exhibited by the applicant and the neighbors and thanked the Board for facilitating this.

FORMAL SESSION  
March 17, 2004

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with revised stipulations "a" through "z" as follows:

**Case # Z2003029 - Four Peaks Ranch**  
B.O.S. Stipulations

- a. Development shall be in substantial conformance with the site plan consisting of two (2) full-size sheets entitled "Request for a Special Use Permit, Four Peaks Ranch", date-stamped by the engineer May 27, 2003 and stamped received October 7, 2003.
- b. Development of the site shall be in conformance with the narrative report entitled "Special Use Permit Application for Four Peaks Ranch, Z2003029, Revised Narrative Report," consisting of eight (8) pages, stamped received June 12, 2003, except as modified by the following stipulations.
- c. Events shall consist of equestrian activities only. At no time during these activities shall be firearms discharged. All events shall begin no earlier than 9:00 a.m. and shall be completed with lights and amplified sound turned off by 6:00 p.m. for events during the months of September through May. All events shall begin no earlier than 6:00 p.m. and shall be completed with lights and amplified sound turned off by 10:00 p.m. for events during the months of June, July and August. All team roping competitions shall be completed and all amplified sound and lighting shall be turned off by 9:00 P.M. Sunday through Thursday, and by 10:00 p.m. Friday and Saturday.
- d. Total number of events is limited to four (4) days per month during the months of September through May. Events are limited to a total of three (3) days during the months of June, July and August. Total number of attendees, including participants, workers, vendors, and spectators, for events shall be limited to 200 persons at any given time. Numbers of total events (team roping competitions) are limited to two (2) events per month, two (2) days per event, or a total number of four (4) event days per month. Number of total attendees, including participants, workers and spectators, for team roping competitions shall be limited to 200 persons.
- e. Total number of attendees, including participants, workers, and spectators, on non-event days shall be limited to 20 ~~80~~ persons at any given time. Amplified sound shall not be used on non-event days.
- f. In no instance, shall there be on-street parking related to these events.
- g. The overflow parking area shall be treated for dust control.
- h. The applicant shall participate in the paving of 160<sup>th</sup> Street, where adjacent to the subject property, when traffic warrants (150 A.D.T.).
- i. The holder of the Special Use Permit agrees, to the best of his legal ability, to cause the complete removal of the windmill/cell tower structure located on a portion of the subject property which he owns but which is currently leased to others; and the holder further



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

agrees to keep the County apprised as to any request or changes to the relationship between himself and the holder of the aforementioned lease.

- j. The total combined, aggregate area of the proposed freestanding (monument style) signs shall not exceed ~~120 sq. ft.~~ 48 square feet of face area. Said sign shall not be internally illuminated, shall consist only of neutral desert colors, and shall not exceed 6 feet above the finished grade of Rio Verde Drive.
- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the public right-of-way.
- l. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event." Additionally, the retention requirements for this site only require first flush, which is the first ½ inch of runoff to account for the required volume or first flush treatment/filtration.
- m. All outdoor lighting shall conform to Article 1112 of the Maricopa County Zoning Ordinance. All freestanding light fixtures shall be shielded. There will be a maximum of eight (8) freestanding light poles at a maximum height of 28'.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. Major changes to the Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Plan of Development shall require a Citizen Participation Process.
- p. A Status Report shall be submitted within one year from the date of approval of the Special Use Permit by the Board of Supervisors and every five years thereafter in order to monitor the use and the adequacy of the stipulations. ~~A Status Report must be submitted every five years from the date of the Special Use Permit approval by the Board of Supervisors in order to monitor the use.~~
- q. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- r. This Special Use Permit shall expire ~~in 15 years from the date of approval of the Special Use Permit by the Board of Supervisors.~~ Any request for extension must be submitted at least six months prior to the expiration date. At least 90 days prior to any renewal deadline,

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
March 17, 2004**

applicant shall post and maintain signs (similar to Maricopa County zoning signs) on the west side of subject property, facing west, and on the south side of subject property, facing south, which shall include the renewal deadline and information on how neighbors' comments may be submitted to the County to be considered in the Special Use Permit Renewal process.

- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one week's accumulation of manure. All manure shall be removed from the site at least once per week and disposed of in a proper manner acceptable to the Maricopa County Environmental Services Department.
- u. Applicant shall provide adequate trash receptacles during events and shall clean up subject property and adjacent easements within 24 hours of the end of each event.
- v. No alcoholic beverages may be sold or served on subject property during events.
- w. Sound levels outside of subject property shall not exceed 70 decibels averaged over any twenty-second period as measured at any point along the boundary of the subject property.
- x. There shall be no overnight camping on or adjacent to the subject property.
- y. Applicant shall provide adequate portable toilets on event days.
- z. Except as modified with these stipulations, development on the site shall otherwise comply with all development standards of the Rural-43 zoning district as outlined in the Rural-43 zoning district.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board